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PEARL HARBOR ATTACK

HEARINGS

BEFORE THE

JOINT COMMITTEE ON THE INVESTIGATION OF THE PEARL HARBOR ATTACK

CONGRESS OF THE UNITED STATES

SEVENTY-NINTH CONGRESS

FIRST SESSION

PURSUANT TO

S. Con. Res. 27

▲ CONCURRENT RESOLUTION AUTHORIZING AN
INVESTIGATION OF THE ATTACK ON PEARL
HARBOR ON DECEMBER 7, 1941, AND
EVENTS AND CIRCUMSTANCES
RELATING THERETO

PART 29

PROCEEDINGS OF ARMY PEARL HARBOR BOARD

Printed for the use of the

Joint Committee on the Investigation of the Pearl Harbor Attack



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UNITED STATES
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JOINT COMMITTEE ON THE INVESTIGATION OF THE PEARL
HARBOR ATTACK

ALBEN W. BARKLEY, Senator from Kentucky, *Chairman*

JERE COOPER, Representative from Tennessee, *Vice Chairman*

WALTER F. GEORGE, Senator from Georgia	JOHN W. MURPHY, Representative from Pennsylvania
SCOTT W. LUCAS, Senator from Illinois	BERTRAND W. GEARHART, Representative from California
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J. BAYARD CLARK, Representative from North Carolina	

COUNSEL

(Through January 14, 1946)

WILLIAM D. MITCHELL, *General Counsel*
GERHARD A. GESELL, *Chief Assistant Counsel*
JULE M. HANNAFORD, *Assistant Counsel*
JOHN E. MASTEN, *Assistant Counsel*

(After January 14, 1946)

SETH W. RICHARDSON, *General Counsel*
SAMUEL H. KAUFMAN, *Associate General Counsel*
JOHN E. MASTEN, *Assistant Counsel*
EDWARD P. MORGAN, *Assistant Counsel*
LOGAN J. LANE, *Assistant Counsel*

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3	983-1583	2587- 4194	Dec. 5, 6, 7, 8, 10, 11, 12, and 13, 1945.
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6	2493-2920	6647- 7888	Jan. 15, 16, 17, 18, 19, and 21, 1946.
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[3126] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

WEDNESDAY, SEPTEMBER 13, 1944

FORT SHAFTER, TERRITORY OF HAWAII.

The Board, at 8:30 a. m., pursuant to recess on yesterday, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell, and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF COLONEL MORRILL W. MARSTON, GENERAL STAFF,
G-4, U. S. ARMY FORCES, POA

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization and station?

Colonel MARSTON. Morrill W. Marston, Colonel, General Staff, G-4; headquarters, U. S. Army Forces, Pacific Ocean Area.

2. General GRUNERT. Colonel, what was your assignment in the latter part of 1941 and during the attack?

Colonel MARSTON. I was assigned as G-4, Headquarters, Hawaiian Department, on the 19th of October, 1941, and I remained in that or the corresponding assignment ever since.

3. General GRUNERT. Prior to that assignment what duty were [3127] you on over here?

Colonel MARSTON. I was G-2, Assistant Chief of Staff, G-2, from the 14th of September, 1939, until the 21st of July, 1941, at which time I went in as Assistant G-4 in the Headquarters, Hawaiian Department, and remained there from that time until assigned as G-4, as previously stated.

4. General GRUNERT. Then you were with the Hawaiian Department, on the Hawaiian Department General Staff, from September, 1939, until after the attack, were you?

Colonel MARSTON. Yes.

5. General GRUNERT. As Assistant Chief of Staff, G-4, presumably you knew about the matériel pertaining to the command. Do you know what deficiencies existed, in general terms, what was short and not on hand?

Colonel MARSTON. In very general terms, the antiaircraft defense was still not up to the desired standard but was being brought so by

the arrival of additional regiments just prior to and at about the time of the attack.

6. General GRUNERT. Meaning there was a deficiency in personnel?

Colonel MARSTON. There was a deficiency in personnel, which was being made up and was made up by the arrival of the 98th Coast Artillery antiaircraft, and there was one other unit came in at about that time. We were engaged in an expensive housing program for these units at the time that the attack came.

7. General GRUNERT. The antiaircraft organizations that were here, how were they equipped? Well equipped, partially equipped, lacking certain things, or what?

[3128] Colonel MARSTON. Compared to other such organizations in the American Army, they were very well equipped. Compared to modern standards, they were not well equipped. The armament was the 3-inch antiaircraft, which has since proved to be too light, but was the best available at that time.

8. General GRUNERT. They had no 90s at that time, did they?

Colonel MARSTON. There were none available at that time. However, as an illustration of the relative importance placed on antiaircraft defense in this Department, at the time that I came over in 1939 there were more active antiaircraft guns in this department in the hands of the 64th Coast Artillery Regiment, I believe, than there were in the entire continental United States.

9. General GRUNERT. Relatively speaking, they were relatively well equipped at that time with what was available?

Colonel MARSTON. They were, and that equipment was being brought up just as fast as the War Department, at the instigation of the Department Commander, could bring it.

10. General GRUNERT. When you went in as G-4, did you become aware of the Secretary of War's reply of the 7th of February to a letter the Secretary of the Navy wrote on the 24th of January wherein he, the Secretary of War, states, in effect, that all material for the air warning service would be there, meaning Hawaii, not later than June 1941. Did you know of that letter?

Colonel MARSTON. I did not know of that letter at the time that I took over the G-4 office.

11. General GRUNERT. You know of it now, do you?

Colonel MARSTON. I have recently looked over back correspondence [3129] and I believe that that was included in the back correspondence.

12. General GRUNERT. What I am getting at is that the Secretary of War said that air warning service material would be here by June of 1941. Do you as G-4 know when that material got here?

Colonel MARSTON. I do not know the exact date. I do know that a substantial amount of material did arrive during the summer of 1941 and that this material was being installed at the time of the attack and temporary installations had been effected on several stations, particularly the station at Kokee on Kauai, and one or two stations on Oahu. I am not sure of the exact location of the stations which were in operation or being installed but preliminary work had been initiated for the station planned on, on the top of Mount Kaala and the station on Haleakala on Maui.

13. General GRUNERT. These were all permanent stations, were they?

Colonel MARSTON. These were all to be permanent stations. There was an argument or a difference of opinion as to whether the stations should be installed as mobile stations or as permanent stations. I did not personally get into the technical features of that discussion, as the work was handled by the Engineer, the Signal Officer, and the anti-aircraft—

14. General GRUNERT. Who can give us the best information on that? Colonel Powell?

Colonel MARSTON. Colonel Powell can give you the best technical information from the Signal Corps standpoint. The actual work at the time was handled by Colonel Murphy of the [3130] Signal Corps, who later was killed in the Orient, but Colonel Powell was Signal Officer at the time. Colonel Fleming, Robert J. Fleming, of the Engineer Corps, first as representative of the Department Engineer and later as an assistant to G-4, handled the technical details from the G-4 and engineering standpoint. The District Engineer's office, Mr. Perliter, who is still present, is familiar with the details of design, and Mr. Sisson of that office, the principal engineer of that office, was more directly connected with the work.

15. General GRUNERT. We have those witnesses on our list. Tell me about what you know, if anything, about the supervision of construction for the Commanding General. Who did the supervising? Did you as G-4 or did Fleming as the representative?

Colonel MARSTON. I exercised a general supervision, with Fleming handling the exact details of the work.

16. General GRUNERT. Can you testify as to any delays or the reason for such delays, who was responsible and so forth, if there were such delays? Can you testify as to that?

Colonel MARSTON. I was aware that there was delay in the discussion of the aircraft warning stations, due to a difference of opinion over the technical features of the installations, which, being new, was not fully developed. As I stated before, there was some difference of opinion on the question of the fixed and the mobile stations. There was a very decided difference of opinion as to whether the station should be on the highest point on the various islands or down near the shore line or at an intermediate location.

17. General GRUNERT. Who was this difference of opinion between?

[3131] Colonel MARSTON. So far as my knowledge goes it was between experts in general in the Signal Corps who had developed this material. The fact that there was a definite difference of opinion is shown by the fact that the high stations, with the exception of the one at Kokee on Kauai, have proven not of use since they were installed. The one on Kaala has had to be abandoned for use as a radar station and has been used entirely for radio communication.

18. General GRUNERT. Where did the delays come in? You may have a difference of opinion, but if there was something decided, who made the decision as to what to do? Was there any delay caused by discussion or was there a delay by argument to put it there or put it somewhere else or not put it up at all, or what?

Colonel MARSTON. There was a delay in construction due to the lack of adequate construction personnel to execute this work simultane-

ously with the other work which was going on at the time. The Army expansion here did not get under way in force as soon as the Navy expansion did. There was a shortage of skilled personnel for the amount of work which was approved. Then there were delays due to the fact that all details of construction had to be approved from the War Department, even to the extent of very minor changes, before they could be effected. This type of delay is illustrated in the delays incident to the installation of the underground field storage.

19. General GRUNERT. Is all of this prior to December 7th that you are talking about?

Colonel MARSTON. There was a delay prior to December 7th due to the lack of adequate qualified construction personnel.

20. General GRUNERT. Tell us about the staff meetings that [3132] were held by the Chief of Staff, and how often they were held, and what happened at these staff meetings.

Colonel MARSTON. Well, as a general thing there would be a staff meeting on an average of about once a week, in which the General and Special Staffs would be represented. At these meetings the Chief of Staff would bring out any new developments or policies. There would be a discussion by each staff representative concerning the problems which were under solution by his staff section and general discussion of the operation of the staff with a view to coordinating its activity.

21. General GRUNERT. Did you have any such meeting between November 27th and December 7th, realizing that December 6th was on a Saturday? When did you usually have these staff meetings?

Colonel MARSTON. They usually came on Saturday morning.

22. General GRUNERT. Did you have any on or about November 27th?

Colonel MARSTON. I do not know of my own knowledge whether they did, or not. I understand that one was held, but I was personally on an inspection trip on the Island of Hawaii at the time.

23. General GRUNERT. Then if they held one on November 27th, you were not present?

Colonel MARSTON. I was not present.

24. General GRUNERT. Then you were not present when the question came up on which the Commanding General decided to alert the command on what is known as Alert No. 1?

Colonel MARSTON. I was not present at that time and my knowledge of the details of how the decision was arrived at it hearsay and not personal knowledge.

[3133] 25. General GRUNERT. Any questions?

26. General FRANK. You stated there were certain delays due to differences of opinion about these radar stations. As a matter of fact, was it not rather a matter of unforeseen operating difficulties, which difficulties were matters of fact rather than differences of opinion?

Colonel MARSTON. That might be a better description of it, because the actual experience with each location did not always bear out the previous conception, the theoretical conception of the operation of that station. As I have already stated, the high stations, with one exception, proved inoperable, due to echoes, and the intermediate stations or the stations of intermediate elevation later were

found to be more effective. That, I would say, would be a question of fact. As the stations were established I know that tests were made in each position and as far as possible with mobile equipment.

27. General FRANK. What I am getting at is this: You should not condone a delay in vital construction due to a squabble because of difference of opinion, whereas if there were technical difficulties of operation which were unforeseen those were things that had to be tested and handled.

[3134] Colonel MARSTON. Well, the differences of opinion, I gained that impression from the reports which I received on this construction; and I did not personally talk to the various experts who were handling this construction; but I do know that, first, there was an opinion that the high stations would be the best places to put them. There was also a question of the use of mobile stations.

28. General FRANK. That was theory?

Colonel MARSTON. That was theory; and then the actual installations developed the opinion on the part of the people engaged in its execution that the theory was not correct. It is true and probably better to state that the difficulty was a matter of factors developed by experience as against the theoretical opinion before the fact was determined. I think that would be a better way to state it.

29. General FRANK. Did you know Colonel Wyman?

Colonel MARSTON. Yes; I knew Colonel Wyman.

30. General FRANK. How closely did you work with him?

Colonel MARSTON. I didn't have a great deal of close contact prior to the 7th of December. I had a great deal of contact after that time. I did have a fairly frequent contact prior to the 7th of December. I did not know Colonel Wyman prior to his arrival in the Hawaiian Department.

31. General FRANK. Did you have any difficulties with him?

Colonel MARSTON. Not prior to the time of the attack.

32. General FRANK. Was construction progressing satisfactorily with no delays prior to the attack?

Colonel MARSTON. Well, that, of course, is a matter of opinion. I believe that the construction was progressing as [3135] fast as was physically possible under the conditions at the time.

33. General FRANK. What were the conditions?

Colonel MARSTON. Well, the conditions were that details of design, frequently, and of modification in the projects, had to be cleared to the minutest detail with the War Department, in accordance with the standard peacetime procedure. This did cause very serious delays in the progress of work on some of the projects.

That is particularly illustrated on the underground gasoline storage project; and then there was difficulty in the obtaining of high enough priorities for the critical materials involved. We found that the Navy in many cases was able to get much higher priority than we could, for the equivalent material, and that relative priority meant that the construction work was delayed, due to the non-arrival of construction material with which to execute it.

34. General FRANK. Were you familiar with the cost-plus-fixed-fee contract?

Colonel MARSTON. Yes, I know the general features of such contracts, and the fact that there was such a contract in existence.

35. General FRANK. Was it not possible through that contract for the district engineer to give decisions on the details of construction?

Colonel MARSTON. It may have been so for the district engineer, for the details of construction, but that it did not affect his relationship with the War Department, on which decisions had to be based.

[3136] 36. General GRUNERT. What were some of those decisions? I do not understand; if there was a cost-plus contract, then the details of that contract were made locally; what had to go to Washington, that delayed these things?

Colonel MARSTON. The plan for the work which was to be executed by that contract, which would have had to go to Washington, whether there was such a contract or not, or whether the work was being done by purchase-and-hire with district personnel.

37. General FRANK. Are you sure about this?

Colonel MARSTON. I can give you an illustration specifically in the case of the underground fuel storage. This will be brought out chronologically in later testimony from the district engineer's office.

38. General FRANK. How do you know?

Colonel MARSTON. Well, I know that he was directed to prepare a chronological account of all the correspondence and of the activity on certain projects, and that he has prepared that account.

39. General FRANK. By whom was he directed to prepare that?

Colonel MARSTON. By the Chief of Engineers.

40. General FRANK. And to present it to this Board?

Colonel MARSTON. I presume, to have it available in case the Board should ask for it.

41. General FRANK. Go ahead.

Colonel MARSTON. I don't remember whether the presentation to the Board was specifically covered or not in the "radio."

Well, in the case of the underground fuel storage, the general project was approved by the Secretary of War, 3 January [3137] 1941, and preliminary surveys were authorized. Then, on 3 April, the correspondence acknowledges the visit of a representative of the Office of Chief of Air Corps to select the site. Then, also, at about the same time, on 5 April, the district engineer is advised that negotiations had been opened for the priorities for the steel, before the Army-Navy Priority Committee, but that the priority for the steel could not be obtained, until the contract for the tanks is made.

The storage was increased. On the 19th of May, directions were received to increase the storage from 100,000 barrels to 250,000 barrels. We got the priority rating on the 13th of June. The allotment of funds was made on 17 June, but stated that they had to be utilized before 1 July.

42. General FRANK. That means "obligated," does it not?

Colonel MARSTON. Yes. Well, it is stated "utilized," but that meant "obligated"; that is, the contract let.

43. General FRANK. Was there any difficulty in that?

Colonel MARSTON. Well, the contract was let to cover this, but there could be no details of course included in the contract, because the design had not yet been approved by the War Department. That would be by the Chief of Engineers, acting for the Secretary of War.

Well, there were several other things happened in between, but on 23 July there was a "radio" from the division engineer to the Chief

of Engineers, requesting an authorization to proceed with the excavation, that the sites and general layout are satisfactory. On 26 July the reply was received from the division engineer in San Francisco to the district engineer, stating that the Chief of Engineers advises the excavation [3138] should not be started until the proposed installation has been approved.

44. General FRANK. By whom?

Colonel MARSTON. By the Chief of Engineers, I presume; by the War Department at least; and on 7 August, another "radio" was received from the division engineer advising that we were not to start work, since plans are being materially changed.

45. General FRANK. By whom?

Colonel MARSTON. By the War Department.

46. General FRANK. By whom, in the War Department?

Colonel MARSTON. Well, that would be the Chief of Engineers, working in conjunction with the Chief of Air Forces, as to the aviation-gasoline features of the plan.

Then there was a letter from the Adjutant General to the Chief of the Bureau of Yards and Docks, of the Navy, on 12 August, requesting that the plans be reviewed and concurrence or further recommendations be given by the Bureau of Yards and Docks of the Navy.

47. General FRANK. What has the Navy to do with Army construction?

Colonel MARSTON. It was a joint Army-Navy war-reserve fuel system.

Concurrence was received on 18 August through the Adjutant General of the Army, and then the Chief of Engineers was directed on 3 September, requested that plans be revised to conform to established policy worked out by the Chief of Engineers for other locations with reference to the protection, concealment, and dispersion.

[3139] 48. General FRANK. How long have you been conversant with these details that you are reading off, there?

Colonel MARSTON. I have been conversant with the development of the system since the time that I went into the G-4 office. The rest of it I get from the file.

49. General FRANK. When did you get this from the files?

Colonel MARSTON. I got it within the—reviewed the files, or went over the files and this summary of them, at the office of the engineer, here, about a week ago.

50. General FRANK. And have you had any help in that, during the last two or three days?

Colonel MARSTON. Well, this is the same review which I stated that the engineer was preparing under the direction of the Chief of Engineers.

51. General FRANK. Have you had any help in this within the last two or three days?

Colonel MARSTON. In the last two or three days?

52. General FRANK. Yes.

Colonel MARSTON. No. Let's see, it was Sunday morning that I went over this with the engineer office.

53. General FRANK. Has General Bragdon consulted you?

Colonel MARSTON. I have not seen General Bragdon; no.

54. General FRANK. Have you seen Major Lozier?

Colonel MARSTON. No, I have not seen him, either.

55. General FRANK. Have you seen Major Powell?

Colonel MARSTON. I don't believe that I have seen any of these gentlemen; I certainly have not seen them to confer with them.

56. General FRANK. Who gave you this information in the office [3140] of the engineer?

Colonel MARSTON. Mr. Perliter.

57. General FRANK. In summing up, what would you say was the reason for the delays that occurred, generally?

Colonel MARSTON. Well, I would say that the reason for the delay which occurred, generally, on these storage tanks, was the necessity of clearing everything with the War Department, before the tanks were installed, first; second, the delay in getting the delivery of steel for the tanks, after the final design was approved. We did not have the detailed plans for these tanks until 22 December 1941; which was some time after the attack was started. We had no authority to start construction until 31 October 1941, when a "radio" was received from the division engineer to the district engineer, informing him that the Chief of Engineers authorizes procedure with construction based on their report of Board of Petroleum Consultants, who had reported on 9 October 1941.

Now, actually what happened then, it was in the following April, 14 April 1942, I held a conference at Hickam Field with representatives of the Air Force, of the engineer, and of the Navy, at which time the view of the Chief of Air Forces that the system should be a hydrolic or aqua system was presented by representatives of the Air Force, and at that meeting I insisted, and finally was able to obtain an agreement, that the system should be installed as designed, regardless of the views of the Chief of Air Forces or of any other individual, because otherwise it would not have been completed up to the present time. The system was installed as originally designed, and has been in use for some time.

[3141-3142] 58. General FRANK. Obviously, the system must have been designed in the Corps of Engineers, rather than in the Air Force?

Colonel MARSTON. It was.

59. General FRANK. Because, had the Air Force designed it, they would have designed an aqua system.

Colonel MARSTON. That is probably so. However, the Chief of Engineers did obtain the recommendation of a board of experts from the petroleum industry in the design of the system, and the final decision to go ahead with the system as designed was based upon the fact that gasoline was actually delivered to the planes at the two main fields, Hickam Field and Wheeler Field, through an aqua system.

60. General FRANK. In what department in the War Department would you say was the responsibility for most of these delays?

Colonel MARSTON. Well, I can't say that any one department of the War Department was responsible for them. I would say that it is the peacetime system of centralized control by the War Department of all details of construction in the field that was to blame for the delay.

61. General FRANK. Who handles construction in the field, in the War Department?

Colonel MARSTON. At the time, prior to the war, that this took place, the construction of fixed fortifications, construction at airfields, and the river and harbors construction work was handled by the Chief of Engineers. All other construction for the Army at that time was still handled by the construction branch of the Quartermaster General's office. That has since been consolidated, all have been consolidated, under the Chief of Engineers.

[3143] 62. General BANK. As a matter of fact, in the beginning of 1941 all air force construction went over to the Engineer Corps, didn't it?

Colonel MARSTON. It was about that time that it went over, yes, sir.

63. General FRANK. Yes.

Colonel MARSTON. It formerly had been done by the construction branch of the Office of Quartermaster General.

64. General FRANK. You seem to think that the delays in the construction of the A. W. S. system were due in the main to delays caused in trying to overcome the difficulties of technical operation of the radar.

Colonel MARSTON. That is a correct statement. And those difficulties have continued for a considerable time after the war broke out, as illustrated by the fact that we have had to abandon two of the most expensive stations for radar operation.

65. General FRANK. Namely?

Colonel MARSTON. Namely Mount Kaala on Oahu and Haleakala on Maui.

66. General FRANK. Did you ever go down to Colonel Wyman's office?

Colonel MARSTON. Yes.

67. General FRANK. How often?

Colonel MARSTON. Well, I would say an increasing number of times, about two or—well, starting in with once or twice a month to I should say an average of approaching once a week toward the—as the—

68. General FRANK. Starting when?

Colonel MARSTON. Starting in November.

[3144] 69. General FRANK. Were you always able to find him?

Colonel MARSTON. I was always able to find him. He wasn't there every time, but I was able to find him the majority of the time.

70. General FRANK. Could you always do business with him?

Colonel MARSTON. Yes, I could always do business with him.

71. General FRANK. Did you ever find him incapacitated?

Colonel MARSTON. I have never found Colonel Wyman incapacitated, either before or after the war, but I know that there have been charges made that he was not always in shape to carry out his duties, but that was not my observation, my personal observation.

72. General FRANK. How would you size him up?

Colonel MARSTON. I would size him up as a very energetic and competent engineer whose methods of operation, however, were frequently lacking in tact. In other words, if he had a job to do he would go ahead and issue instructions to get that job done, without any regard to the feelings of the people with whom he dealt.

73. General FRANK. Did you have any occasion to come in contact with the organization of his office?

Colonel MARSTON. Yes, I had occasion to come in contact with the organization of his office, but did not go into the detailed organization.

74. General FRANK. Did you ever know a Hans Wilhelm Rohl?

Colonel MARSTON. I have met him, and as far as I can recollect I have seen him either present when I was dealing with Colonel Wyman or when I was making inspections of [3145] activities, a total of about maybe six or eight times.

75. General FRANK. I see.

Colonel MARSTON. I have had no personal contact with him at all.

76. General FRANK. Did you ever talk to him?

Colonel MARSTON. Not directly. He has been present at other—when I visited Colonel Wyman, but I haven't talked to him directly as an individual.

77. General FRANK. Do you know what his position was over here?

Colonel MARSTON. He was the head of the Hawaiian Constructors, which was a fixed-fee contractor for executing the engineer construction work.

78. General FRANK. Did you ever see him in a condition in which you believed he was unfit to take care of himself?

Colonel MARSTON. No, I did not. As a matter of fact, I haven't seen anyone in the office of the Engineer or connected with his construction work who was under the influence of liquor and incapacitated for work.

79. General FRANK. Were your contacts with the District Engineer Office always entirely satisfactory?

Colonel MARSTON. They were not always satisfactory after the—in the early days of the war, to the extent that there was considerable friction due to arbitrary acts on the part of the Engineer Office. There was also some friction between that office and the Department Engineer due to personal differences of opinion.

80. General FRANK. Did you hold up construction?

Colonel MARSTON. I don't know of its having held up any [3146] construction. I think it was merely a personal clash of opinion.

81. General FRANK. Did your difficulties with the District Engineer Office that you just mentioned ever hold up construction or impair the war effort?

Colonel MARSTON. No, they did not.

82. General FRANK. Have you anything?

83. Major CLAUSEN. Yes. Do you want me to ask questions?

84. General GRUNERT. Go ahead. But if you have every witness covering the same thing we are using up twice as much time as you figured on, but if you want the stuff go after it.

85. Major CLAUSEN. Yes, sir.

Sir, do I understand that the testimony that you gave when you read that paper was based upon information you received from the office of the District Engineer?

Colonel MARSTON. That is correct. We have the files, however, upon which this is a summary, were present at the time I picked this up.

86. Major CLAUSEN. Did you consult any other source, Colonel?

Colonel MARSTON. I did not consult any other source other than my own memory, and I verified some of the entries in here from the records of my own office.

87. Major CLAUSEN. Well, you knew, when you consulted the Engineers, that they were the ones under charges, according to the rumors that you have testified to; isn't that correct?

Colonel MARSTON. Well, if the question is a question of Colonel Wyman's connection with Mr. Rohl, and the effect of that on the war effort, that is correct. If it is a question of the actual conditions here before the attack came, the [3147] Engineer records are the official records—those and the Adjutant General's files are the official records of the headquarters.

88. Major CLAUSEN. Well, sir, you know that the I. G. here maintained a section for the purpose of reviewing the activities of the Engineering Department.

Colonel MARSTON. I should have stated that I have talked to the Inspector General here, who made a detailed investigation of the activities of the Engineer, and that I was informed by the Inspector General that there was no evidence of fraud developed as a result of his investigation.

89. Major CLAUSEN. Well, were you informed by the Inspector General as to the reasons for the relief of Colonel Wyman from his assignment here as District Engineer?

Colonel MARSTON. No, I wasn't informed of the reasons for his relief. It was my impression from discussion in General Emmons' office that he was relieved because of friction in the conduct of his operations, arbitrary acts, and which had caused friction in the community, and that General Emmons still felt that he had done an excellent job in getting the work done. That was evidenced by General Emmons' signing a letter of commendation for him when he was relieved, at the time that he was relieved.

90. Major CLAUSEN. Did you ever see the I. G. report which immediately preceded that relief, Colonel?

Colonel MARSTON. No, I have not.

91. Major CLAUSEN. Did you ever ask to see it?

Colonel MARSTON. No, I haven't asked to see it. I perhaps should have, but I have not.

[3148] 92. Major CLAUSEN. Did you ever know of it, sir?

Colonel MARSTON. I knew there was an investigation report, but I understood that no fraud was shown in this report.

93. Major CLAUSEN. Now, you stated something regarding delays and your assigned reasons for the delays. Can you tell the Board whether you are familiar with the completion dates that were required under the job orders and the contract?

Colonel MARSTON. I am not familiar with those now, no.

94. Major CLAUSEN. Can you tell the Board whether you are familiar with any derogatory comments, rumors, at all, concerning the Hawaiian Constructors?

Colonel MARSTON. I am not familiar from my own knowledge with those.

95. General FRANK. Weren't you in charge of general supervision of those for the Department Commander?

Colonel MARSTON. Well, in what way? With the general supervision of the—the checking on the contracts is done by—the sufficiency of the contract, by the finance officer. The checking on the—on our—

any reports of illegal transaction is investigated by the Inspector General.

96. General FRANK. Well, just what do you do as a supervisor?

Colonel MARSTON. What I do as supervisor is to coordinate the construction with the—requirements of the construction with the other activities of the headquarters as to the necessity for the construction, its coordination between the construction of one branch with another and with the general check on the sufficiency of the construction, but not a check as to its technical—technical features of its execution.

97. General FRANK. You didn't care when it got done?

[3149] Colonel MARSTON. I certainly did.

98. General FRANK. Well, then why didn't you check on the limitation dates and the job orders?

Colonel MARSTON. Well, there was a check made in the office, but I did not personally make that, and I don't know—I don't remember what the completion dates were. I do know, however, that, for instance,—

99. General FRANK. Then you really don't know whether there was any delay in the contracts or not?

Colonel MARSTON. I would have to get the record to determine that. I do know that the contract on this underground gasoline storage could not have been completed prior to the time that the authority for going ahead was given.

100. General FRANK. That is because you have looked that up recently?

Colonel MARSTON. Well, but I knew that that delay was taking place at the time and that we could not go ahead until the approval was received from the Chief of Engineers.

101. General FRANK. But you didn't know anything about how the other job orders were coming?

Colonel MARSTON. We got a—we did get a—we got a report: a periodic report of all of the construction jobs was received at our office, and we had on that report a list of every job, the estimated date of completion, and the progress, and the expected date of completion. That report was put in and was initiated just after I took over the office in the fall of 1941, but I don't remember the dates of that—which were shown on that report. I think that copies of the report can be obtained, although I am not sure whether I still have in the [3150] files of the G-4 office those particular reports. I know that copies of them can be obtained. They probably are in the Engineer files at the present time.

102. General FRANK. Well, the point about it is, if the reports were made and stuck away in a file, and delinquencies not followed up so as to hasten the work, the reports were useless.

Colonel MARSTON. Well, but I think that—I don't think that I have given the right impression there. Those reports were presented to General Short when they came in, and the progress on each—on these jobs was discussed. In the case, for instance, of the Quartermaster construction there were bar charts showing the progress of construction as against the actual—the expected date of completion; and I believe that I can get the—those were checked at the time, but the completion date of the contract—I don't remember what those dates were. And I do know that when a sufficient reason showed

for delay in attaining the completion date of a contract, such as a failure to receive up to that time the authority to go ahead with the job, that other pressure was not brought on the Engineer to go ahead with the job prior to the time that he received the authority to do so.

103. General FRANK. That is all.

104. General GRUNERT. Now, as to deficiency of means, as to delays, and as to the status on December 7, what did they have to do with the taking of appropriate defense measures with the means available? Anything?

Colonel MARSTON. I don't think that they had anything to do with that.

[3151] 105. General GRUNERT. Any questions? General Russell?

Colonel MARSTON. There is one thing that I might offer, and that is that a thirty-minute warning, which is all that can be expected from a pick-up from the radar plot, is not sufficient to deploy the garrison unless it is in at least the Class 2 Alert, as was given at that time.

106. General GRUNERT. Have you anything that you want to offer to the Board on any subject that has not been brought up nor questions asked on it, anything that you have that you think will assist the Board in coming to conclusions on this matter?

Colonel MARSTON. Well, I can offer that General Short did take a very definite interest in the modernization of the defenses and that he held very frequent conferences with the Engineer, with the Signal Officer, with all concerned in the modernization of the defenses and that he held very frequent conferences with the Engineer, with the Signal Officer, with all concerned in the modernization of the defenses; that he on his own responsibility pushed the construction of the various airfields. I believe that he did all that was physically possible to do in pushing the preparations prior to the time of the attack.

107. General GRUNERT. You mean his organization locally? Do you know whether or not he represented conditions to Washington frequently or at times to show what delays were taking place?

Colonel MARSTON. I believe that he did. I can't cite the specific instances right now. I do know that the deficiencies in antiaircraft armament were represented, and in seacoast armament, and that steps were being taken to remedy those at the time that the attack came.

108. General GRUNERT. Anything else anyone wants to bring up?

109. Major CLAUSEN. Were these deficiencies in this armament [3152] on the seacoast part of the construction program?

Colonel MARSTON. They were part of the long-term construction program, yes.

110. Major CLAUSEN. Being?

Colonel MARSTON. For instance, there were not enough 155 millimeter guns available. Those were being furnished with the troops coming over in the fall of 1941.

111. General GRUNERT. You have nothing else you want to bring up?

Colonel MARSTON. No. I would like to state further on the question of the checkup on these construction jobs, when I first got the question I didn't connect it with the periodic construction reports which we got in and which did show the actual progress on each

job. Those reports were gone over with the Engineer and with the Department Commander at the time they came in. It is now my recollection and I believe, but I cannot be absolutely sure, that the completion contract date did show on those reports and that any delay in the meeting of that date was discussed at the time. But if there was a question of priority or of—in materials, delivery of materials, or the detailed approval of construction plans, while all steps were taken to expedite the overcoming of those difficulties, after those steps were taken they were accepted as being a justification for the contract not being completed.

112. General GRUNERT. There appears to be nothing else. Thank you very much for coming.

(The witness was excused, with the usual admonition.)

[3153] **TESTIMONY OF GOVERNOR JOSEPH B. POINDEXTER,
4585 KAHALA AVENUE, HONOLULU, T. H.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Governor, will you please give the Board your name and address?

Mr. POINDEXTER. Joseph B. Poindexter. My home address is 4585 Kahala Avenue, Honolulu.

2. General GRUNERT. Governor, this Board was appointed to ascertain and report the facts relating to the attack made by the Japanese armed forces upon the Territory of Hawaii on the 7th of December '41. We are after facts or leads to where we can find facts. General Short has furnished the Board a list of representative citizens living in Hawaii who he says may have information of value to the Board. Your name being on that list, we have asked you here with the hope that you may have some facts to present to us. General Short did not refer to any particular subject on which you might testify, so we leave it up to you to open the subject, and then may ask some questions regarding it.

Now, do you recall anything that you think may be of assistance to the Board or why General Short referred to you particularly as a witness who might be able to furnish the Board with some facts?

Mr. POINDEXTER. Well, my information in regard to the military situation here in Hawaii at that time, of course, came largely from others. Of course, I talked with General Short and had many conferences with General Short.

3. General GRUNERT. You at that time were Governor of the Territory?

[3154] Mr. POINDEXTER. I was Governor of the Territory at that time. I became Governor of the Territory on the first day of March, 1934, and I went out of office the latter part of August in '42; and during that time, of course, the Territory had considerable business with the War Department. That was always, of course, through the Commanding General. And during General Short's term of service here I talked with him many times about the situation; and incidentally, of course, we talked about the war situation. So that so far as the military end of it is concerned my knowledge would be largely, what we would say in court, hearsay, because it came from other people.

I had no direct knowledge, for instance, of what General Short's orders were or what the Army was supposed to do or what the Navy was supposed to do.

4. General GRUNERT. The Board can hardly expect you to testify on those military matters, but if you will give us what your impressions were and what you know of your own accord and from your position as the Governor here, I think that will be about what we can expect. Suppose I ask a few questions that will open up the subject.

Mr. POINDEXTER. Yes, I would much prefer to have you ask questions.

5. General GRUNERT. Now, how did General Short cooperate with the Territory authorities in building up his defense or preparing the civil population for any eventuality?

Mr. POINDEXTER. Well, his cooperation was complete, and it was, I might say, constant. He was greatly concerned about the situation here with reference to the civilian population and the community. We built up an organization which finally ended in what we called the O. C. D. General Short was very largely responsible for that organization and was very largely responsible for the results that we accomplished through that [3155] organization at the time of the attack, and I am confident that, if it were not for the interest that he showed in developing this organization, that our situation so far as the civil end of it was concerned would have been very much worse than it was.

The result was that when the attack came, while there was some confusion early in the day in this organization, they did a magnificent job so far as the civilian casualties were concerned and so far as the caring for the situation as it presented itself; and I have no hesitancy in saying, whatever, that I attribute that result very largely to General Short and the officers under him who cooperated with the civilian population in our efforts to perfect this organization.

[3156] 6. General GRUNERT. Then I gather from your testimony that you had complete confidence in General Short's ability and his desire to improve the entire situation to meet most any eventuality?

Mr. POINDEXTER. Absolutely, and I doubt if you would find an individual in this community who knew the situation who would say otherwise, because he was constantly at it, he and his officers were constantly developing this thing, telling us how it ought to be organized and what should be done. Of course, we got many directives from Washington and other places on the organization, but I think it was largely through his efforts that he made the people conscious of the situation which we were in and the response of the public was splendid, everybody got in. It was all a voluntary organization at that time. Of course, nobody was being paid. We did not have much money to pay with. They built up a fine organization, which was operated, I think, very efficiently under the circumstances. I repeat, I think it was largely due to General Short's interest and efforts that we accomplished what we did.

7. General GRUNERT. Having that confidence in General Short and then the attack taking place, do you or your people feel that the military let you down because of what I may call lack of means to meet such an attack?

Mr. POINDEXTER. I cannot speak for the people generally, but I can speak for myself, and I would say very definitely that that thought at that time never entered my mind. I felt then and I feel now that General Short and his officers with whom I came in contact did everything that could possibly have been done to prepare us for what happened. We had complete confidence [3157] in him and still have. I think that he did a fine job here.

8. General GRUNERT. Do you know of any handicaps that he had in doing that job, as far as anybody in the Territory was concerned, or any group or any interests in the Territory, that handicapped him in any way in preparing for the defense or in meeting the attack?

Mr. POINDEXTER. Of course prior to the attack, we, like every other community, had people with differences of opinion. We had a very large Japanese population, as you know. There were many people who felt we were going too far in these preparations, that it was unnecessary.

9. General GRUNERT. Why was that? Because it affected the pocketbook or the morale or disturbed their comforts, or what?

Mr. POINDEXTER. That is difficult to say just what caused it. My own impression is that sentiment of that kind arose from several reasons. One, of course, was the apparent desire of Washington to do nothing that would disturb relations with the Japanese Government. Then, of course, there was another thought that it was unnecessary, that we were too far from Japan, and there was no danger of any attack on Hawaii.

10. General GRUNERT. Was that generally the state of mind of the civilian population or the military population, as far as you know?

Mr. POINDEXTER. I don't think so.

11. General GRUNERT. What brought it to you mind now to mention that, if that was not the state of mind?

Mr. POINDEXTER. Well, I was just saying there was an element of the population that had that view.

12. General GRUNERT. An element?

[3158] Mr. POINDEXTER. That is right. Now, I want to say there was some justice for that point of view. I did not carry it. But I think some of these people here were influenced by the attitude of the mainland with regard to the possibility of war with Japan.

I visited Washington every year. I was in Washington—I believe it was during my visit in 1941, at least the incident I am about to relate was during the time the President was meeting Prime Minister Churchill on the Atlantic. Was that in 1941? Can you gentlemen tell me when the Atlantic Charter, so-called, was promulgated?

13. Major CLAUSEN. 1940, sir.

Mr. POINDEXTER. Was that 1940?

14. Colonel WEST. I thought it was about May of 1941.

Mr. POINDEXTER. It was in July and August that I was in Washington, and it was at that time.

15. General RUSSELL. It was 1941, August.

Mr. POINDEXTER. In 1941, was it? Well, that was my recollection. Prior to that time we had all the fleet in the waters out here, and they began to move them out. Of course, there was no publicity given to it, but I knew it and a great many people here knew that the ships were being taken away from us. Personally, I was considerably

alarmed about it, because I felt we were being left without any defense if the Japs should come in.

When I went to Washington I took that up with the Secretary of the Interior, who was the liaison agent for the Territory with other Departments of the government, and complained to him about their taking these ships away from us and leaving us [3159] possibly defenseless in the event of an attack. "Oh," he said, "you people need not be alarmed whatever. There is going to be no attack on Hawaii. It is too far away. The battle is on the Atlantic."

Now, I do not quote him exactly, but when he said "The battle is on the Atlantic" those are his exact words.

I intended to take it up with the President, but I never got the opportunity, because in the meantime he may have gotten back before I left but, anyhow, I was unable to see him, but I took it that that was the attitude of Washington and I dropped the matter. I think that same feeling was here to some extent. His idea was that our concern out here was with sabotage, that we should guard against the possibility of sabotage.

16. General GRUNERT. Was that the Secretary of the Interior speaking?

Mr. POINDEXTER. Yes, sir, Mr. Ickes. As I say, I did not go to the War Department, because in the first place, he is our liaison agency and, in the second place, I felt that if a member of the cabinet felt that way probably all the members of the cabinet felt that way and it was useless for me to speak of it, and I dropped that subject, but I felt then and I do feel to this day very keenly that that attitude was very largely responsible for conditions out here.

17. General GRUNERT. Did you happen to discuss the matter with General Short and Admiral Kimmel after you got back and expressed the sentiments you found in Washington?

Mr. POINDEXTER. Oh, yes. I discussed it more with General Short. I do not recall ever discussing it with Admiral Kimmel. I was very well acquainted with Admiral Kimmel and frequently saw [3160] him, but our business in the Territory was more with Short. I would say that Admiral Kimmel was very much interested also in developing our organizations, the O. C. D., and I recall one time he appeared before the Chamber of Commerce meeting and was rather critical of the situation, he felt that we had not been doing enough, and some of the people were critical of the Admiral, thinking that he was getting out of his—we say *kuliana* here. *Kuliana* is a small holding of land. It is the native way of saying where you live. You sometimes talk about "That is my *kuliana*". That means that is my jurisdiction, that is my province.

18. General GRUNERT. Do you know if anybody else in Washington outside of Secretary Ickes had that belief that sabotage was about the only thing to be feared here in the islands?

Mr. POINDEXTER. Well, I was thinking about that, General, and I was trying to recall. I cannot conscientiously say that any particular individual did. I talked with a number of people there about it. It seemed to be a rather general impression that Hawaii was safe, too far away.

Then, of course, there was this attitude that I spoke about a while ago, of soft-peddalling anything that might give offense to the Japa-

nese Government. These negotiations were going on some time during 1941. It may have been after that particular time. I do not recall just when the Japanese envoy went to Washington.

19. General GRUNERT. If you came back and talked to General Short about what you found the attitude in Washington to be, is it natural to conclude that that may have influenced him somewhat in his attitude also?

[3161] Mr. POINDEXTER. Undoubtedly. General Short told me that his orders stressed sabotage, that is, warning against sabotage. We had 140,000 Japanese here, a great many of them citizens, but nobody knew what their real attitude was toward the government or their loyalty in the event we should come to blows.

20. General GRUNERT.—What did you think it was going to be?

Mr. POINDEXTER. I beg your pardon?

21. General GRUNERT. What did you think it was going to be, when and if?

Mr. POINDEXTER. I did not know. I will be frank with you. I did not know. I knew there were some bad ones among them and I knew, on the other hand, there were some of them loyal. I knew that a great many of them were loyal. I know that the F. B. I. and the Army Intelligence and Navy Intelligence, as well as the Territorial Intelligence, had Japanese young people who reported instances where they heard this man making remarks and that man making remarks. As a result of this intelligence work we had a list, the F. B. I. and the Army had a list and the Territory had a list—we knew some of them—whom we considered bad actors or would be bad actors. When the thing broke, those were all gathered right in.

Now, I am of the belief that the precautions taken against sabotage and the picking up of these men put the fear of God into the hearts of those who might have attempted it or otherwise would have attempted it. General Short was very much concerned with this sabotage business.

22. General GRUNERT. What was the number that were picked up, do you recall?

Mr. POINDEXTER. No, I could not tell you that.

[3162] 23. General GRUNERT. 300, a thousand?

Mr. POINDEXTER. I think it exceeded 300; perhaps not on that day or the second day, but there was a large number taken up. I do not know.

24. General GRUNERT. 300 out of how many thousand?

Mr. POINDEXTER. As I say, there were about 140,000, but that included Germans and Italians as well, although there were not as many of them, but there were some Germans picked up and some Italians.

25. General GRUNERT. Then you think that that act of itself deterred others from committing acts of sabotage?

Mr. POINDEXTER. Undoubtedly. General Short was so much concerned about this sabotage business that some time prior to December 1941, he came into the office and we discussed the matter of protection to the personnel who were on guard duty on these facilities, on the bridges and on the electric light and water works. You see, we were not at war then, and these men were off the reservation,

and the question arose as to whether, if anything should happen, somebody would fail to heed the challenge and somebody might get bayoneted or shot, if the individual would not be personally liable, and he was very much concerned about it and he was very much concerned with the guarding particularly of the bridges and the public utilities.

So under the Organic Act I made a request on him that he take over, not particularly the guarding, but that he use his forces to protect the Territory against possible invasion and against sabotage.

26. General GRUNERT. That made it legal, did it?

Mr. POINDEXTER. We concluded that would protect the private [3163] who was out there on duty at this particular bridge or wherever he might be. Now, that was some months before Pearl Harbor. It just illustrates, I thought, and I believe, his great interest in an effort to protect this community in the event that anything happened.

27. General GRUNERT. Do you think that on account of that he went all out for sabotage and did not go all out in defense against an air attack?

Mr. POINDEXTER. You see, General, I do not know what preparations the General made in regard to an attack. That was a military matter that did not come to my attention.

28. General GRUNERT. While you were talking to Secretary Ickes did he talk about any soft-peddling as to the Japanese?

Mr. POINDEXTER. No, I do not recall that he did.

29. General GRUNERT. Or where did you get that impression?

Mr. POINDEXTER. I do not recall that he did.

30. General GRUNERT. Where did you get that impression?

Mr. POINDEXTER. But I am quite sure that General Short told me that he was cautioned in that regard.

31. General GRUNERT. Did you get anything from the press or radio in that line?

Mr. POINDEXTER. It was a matter of comment, I think, in the newspapers that we should be very careful about the attitude and the government should be careful of its attitude while these negotiations were going on, not to bring on an attack or to give Japan an excuse for some attack.

32. General GRUNERT. Any questions?

33. Major CLAUSEN. I have just one, sir.

Sir, were you the Territorial Governor on December 7th, [3164] 1941?

Mr. POINDEXTER. Yes, sir.

34. Major CLAUSEN. And were you the Territorial Governor when you gave this information that you received in Washington to General Short?

Mr. POINDEXTER. Oh, yes. I was Governor during all the time General Short was here.

35. Major CLAUSEN. Who is the Territorial Governor now?

Mr. POINDEXTER. Stainback, Ingram W. Stainback. He took office in August of 1942.

36. General GRUNERT. Is there anything, Governor, that you think of that we have not brought up that you might tell the Board, that might be of material value to the Board in coming to a conclusion as to its mission, anything you want to add?

Mr. POINDEXTER. Yes, I would like to say this, General: General Short talked to me about the attitude of the War Department in supplying his needs, in honoring his requisitions. I gathered from him that he would ask for planes and personnel and guns and things and he was turned down, until finally they told him to make no more requests, because they could not be honored. I don't know whether it was because of lack of means or what not, but he definitely told me that, and I must say he was very much disappointed that he could not get the means out here that he thought he ought to have and that were needed in the defense of these islands.

37. General GRUNERT. Do you know whether he made full use of what means he had on December 7th?

Mr. POINDEXTER. From what knowledge I have of military matters, I would say he did. I think that General Short was a [3165] very efficient officer. I had contact with all of them during the period that I was governor and of course my contact with him was rather frequent, and while comparisons are odious I would say that I think he was as efficient and able an officer as any we had here during that time. And I think the public generally felt that way. I know the public had great confidence in General Short. He was actually very popular with the civilian population.

38. General GRUNERT. We thank you very much for coming up and helping us out.

(The witness was excused, with the usual admonition.)

[3166] **TESTIMONY OF RAYMOND S. COLL, EDITOR, THE HONOLULU ADVERTISER**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Coll, will you state to the Board your name and address, please.

Mr. COLL. Raymond S. Coll. My home address is at the Halekulani Hotel; business address, The Advertiser.

2. Colonel WEST. You are the editor of the Honolulu Advertiser?

Mr. COLL. I am.

3. General GRUNERT. Mr. Coll, this Board is after facts about what happened prior to and during the Pearl Harbor attack. We asked you to come here because there is one point particularly that I would like to clear up your testimony. I believe you were quoted by a Washington newspaper, shortly after the submission of the Roberts Commission's report, January 24, 1942, in substance, that "General Short and Admiral Kimmel had made clear by their utterances before December 7 the probability and imminence of a Japanese attack at an early date." Do you recall anything about that?

Mr. COLL. I don't recall any statement of that sort. After the Roberts report was printed, we expressed ourselves editorially on the matter, but that language is not used in that editorial. I don't recall talking to anyone, there was no agent of the government that I recall, whatever, who ever asked me for a statement about it; and not in those terms.

4. General GRUNERT. Have you any knowledge whether or not General Short and Admiral Kimmel did make such remarks as to

[3167] lead anyone to believe that they thought an attack was imminent?

Mr. COLL. Not directly from either one of them, although I knew General Short, and met him at different times, and on two occasions had conversations with him, prior to December 7, 1941; and I think that was in the spring of that year, when he was distressed because he was not able to get and make as much progress as he would like to have done for airfields and planes and defenses of Oahu; and of course in that same conversation as we all knew at that time and were perfectly aware, at least we were, in our own opinion, that war was to come, and come shortly, with Japan, and as time progressed up to and immediately preceding that, as early as the spring, when the M-Day Act was in process of passage in the session of the legislature at that time, why, of course, we were all reconciled that war was coming, and it just progressed in its intensity, as you might see from the first editions of our newspaper, starting on the 28th, and those are the only ones that I have, there, from the 28th to the 5th, in which our sense of approaching events was very clearly indicated in our headlines, and we seemed to be certain of what was about to take place.

5. General GRUNERT. Do you recall a speech or talk made by General Short, I believe it was at a Chamber of Commerce meeting, in which he in attempting to assist in preparing the public for a possible future attack made remarks that might have been interpreted to mean that he thought war was in the offing?

Mr. COLL. I don't recall any such a speech of General Short, although that's entirely probable that he did. The one that caused the greatest comment was one that Admiral Kimmel made at the Royal Hawaiian Hotel, in which he took the community [3168] to task very severely for their lack of preparation, and stressed the importance of it and the possibility of attack in the immediate future, or words to that effect.

Now, General Short might have and undoubtedly did speak, although I couldn't state at this time and swear that I recall that specific speech by him, although it was customary to have both the commandant of the Navy and the Commanding General of the Hawaiian Department make such addresses on it; and I am certain that he would have stated that.

6. General GRUNERT. How did you citizens feel about the matter? Did you think your public needed a little waking up, or not?

Mr. COLL. At that time, we did. After December 8, we thought that the community was better prepared right at the moment than what the services might have been.

7. General GRUNERT. You at that time were editor of the Honolulu Advertiser, were you?

Mr. COLL. I was.

8. General GRUNERT. Do you recall these headlines as having appeared in your paper on the dates mentioned, or on approximately the dates mentioned:

(Items appearing in the Honolulu Advertiser:)

Headline of Sunday, 30 November, 1941:

Japanese May Strike Over Weekend.

Kurusu Bluntly Warned Nation Ready For Battle.

Headline of Monday, 1 December 1941:

Hull, Kurusu In Crucial Meeting Today.

Headline of Tuesday, 2 December 1941:

Japan Called Still Hopeful of Making Peace With U. S.

[3169] Headline, again, of Tuesday, 2 December 1941:

Japan Gives Two Weeks More to Negotiations.

Headline of Wednesday, 3 December 1941:

Huge Pincer Attack on U. S. by Japan, France Predicted.

Headline of Friday, 5 December 1941:

Pacific Zero Hour Near; Japan Answers U. S. Today.

Headline of Saturday, 6 December 1941:

America Expected to Reject Japan's Reply on Indo-China.

Headline, also of Saturday, 6 December 1941:

Japanese Navy Moving South.

Headline, again, of Saturday, 6 December 1941:

Detailed Plans Completed For M-Day Setup.

Headline of Sunday, 7 December, 1941:

F. D. R. Will Send Message to Emperor on War Crisis.

Do you recall those headlines?

Mr. COLL. Yes; I recall them all, generally, of course.

9. General GRUNERT. I would like to ask you about this one of November 30:

Japanese May Strike Over Weekend.

In view of what happened, that was a pretty clear or a pretty accurate prediction?

Mr. COLL. That was based purely on following the war news, as you do in a newspaper office, when we are following the trend. The headlines there that you have just read of course were based on the United Press and other services that we had that came each night from the mainland, some from Washington, and other places. That headline in a newspaper office was just following [3170] a trend of thought, that so far as we were concerned there in our office, we felt certain that things were about to happen. I didn't have any specific information from anyone in Honolulu, except to follow the trend, which is frequently done in newspaper offices, a sort of sixth sense that something is about to happen; and the percentage of it quite frequently is almost as accurate as calculations could be in something mathematical.

10. General GRUNERT. When that headline appeared, or when you put it in there, did you have any idea that the Japanese might strike Hawaii early in the game?

Mr. COLL. Not specifically, at that time, although as early as July 29 I think it was we printed with my permission a feature story in our magazine section, which is illustrated with planes attacking, and the first three or four paragraphs of it started with the introduction that Japan would attack overnight, and that everything would be perfectly peaceful and people in their homes, and all of that, and then suddenly

the crash would come and there would be death and desolation in their wake. That is in there. That was on July 29. Now, that was based on and written by a man who had been in China for seven years, and who was a member of our staff, and who simply wrote what he had seen there, and which was likely, here.

11. General GRUNERT. Did you have confidence in the military and naval commanders and their preparedness to meet any eventuality?

Mr. COLL. I had great confidence in General Short. I couldn't say that I knew him intimately. I knew him as well as I had every commanding general of the Hawaiian Department since General Summerall's time, going back to 1922. My observation [3171] and the comment, both civilian and army acquaintances, were of the highest character of his ability as a soldier and as a working General.

12. General GRUNERT. Do you know that in preparation to meet any eventuality at that time, or about November 27, the Army was alerted against sabotage only? Was that common knowledge here, or not?

Mr. COLL. I knew it, that the order of the 27th, I believe, of November. Naturally I heard that through my acquaintances. I do not know that I could recall the names. I knew that the order had come, and my understanding was it had been discussed at considerable length as to just what interpretation to place upon it, and then that the alert against sabotage of course was the decision that was made; and my understanding at that time was that that was to keep the community quiet, and evidently with the fear of Japanese uprising, which I personally did not think much of; but unquestionably there was a very great effort both in the community itself and by the Army and the Navy at that time.

13. General GRUNERT. You, having confidence in General Short, and then knowing what happened December 7, do you feel that the Army, as such, commanded by General Short, let you and the public down?

Mr. COLL. Well, I wouldn't go that far, because in a conversation I had with General Short at the Willows, I think it was, when some sort of an entertainment was given by a distinguished party, or something of that sort, at the Willows, which was a popular place for affairs of that sort, and he discussed with me there, or rather made the comment that he was [3172] distressed because he was not able to get what he wanted and make as much progress as he certainly wanted to do, in air, airfields, and aircraft, and defenses, both anti-aircraft and all of the strengthening equipment that he needed for the islands. I distinctly recall that conversation.

14. General GRUNERT. When was that conversation, do you recall?

Mr. COLL. That I think was along in the spring of 1941, because I am certain it was the time the legislature was in session, which must have been along in February or March, I would say.

15. General GRUNERT. Do you know whether or not he made full use of what he did have, when the time came?

Mr. COLL. I couldn't say that, General. Only one instance, if you will permit me to go on, was the only incident that I know, was rather a confused state of affairs at Schofield at that time, where orders were not given immediately, and some immediate sections of the community were taken over by subordinate officers without any order, and the

order not being issued for some time afterwards, notwithstanding the fact that they took complete control and issued orders.

16. General GRUNERT. Was this during the "blitz"?

Mr. COLL. That was the morning of the "blitz," and the day; and they took over, I think; in one instance I heard of some four days that lasted before any order was issued. When this officer who took that over went to Schofield, he was not able to get any order from the commanding officer, and then, on his own initiative, he took over.

17. General GRUNERT. What is the general impression here, [3173] whether the sabotage alert was General Short's decision under the information he had, or whether that order came from Washington?

Mr. COLL. Oh, I think the community as a whole believes in nothing else on it, that it was from Washington.

18. General GRUNERT. That the order to go on a sabotage alert came from Washington?

Mr. COLL. As they interpreted it.

19. General RUSSELL. Exactly what do you mean by that statement, "as they interpreted it"?

Mr. COLL. Well, my understanding, General, was that the staff, itself, General Short's staff, was not able to decide immediately what to do. In other words, that the directive or orders or whatever came through from Washington on that date were not very clear, and that there was no specific order. That really is the feeling, if I may go on, on that, that I had on that, that Washington, at that time—and I have no desire whatever to criticize the administration or the War or Navy Departments, but rather that nothing decisive was done. If they knew what was going to happen, it seemed to us that it ought to have been there, either to have sent an order or a directive of just exactly what to do.

20. General RUSSELL. Then the impression is not so much that there was a direct order for an antisabotage alert here, but that confusion arose because of the data which reached the department from Washington; and to that extent, Washington was responsible for what did happen?

Mr. COLL. I think that's right.

[3174] 21. General RUSSELL. That is a more accurate description of what occurred?

Mr. COLL. Yes.

22. General RUSSELL. Now, in the summer of 1941, do you remember the transfer of a part of the Pacific Fleet to the Atlantic Ocean?

Mr. COLL. Yes.

23. General RUSSELL. Do you recall the impact on the thinking of this community that that action on the part of the Navy had?

Mr. COLL. Didn't like it.

24. General RUSSELL. Could you elaborate on that a bit, as to whether or not it indicated Washington's thinking as to possible and probable trouble?

Mr. COLL. Well, that has been a discussion from that time, and that was the first that it became acute in the community. Honolulu, and, of course, Hawaii, were closer to the war, in any area of the globe, I might say, so far as America was concerned. This was America's war, out here, and Honolulu was closest to it, and I think that we felt closer

to it here, and knew more accurately the whole situation, and after December 7, and even before that time, I think, were conscious of what might happen to us, because of all these preparations that were being made. The medical outfits were all arranged and organized, and all of that, and of course that very clearly indicated that there were going to be casualties and wounded and killed, and all that, on it. That could not help but make an impression upon the community; and of course, when any strength was drawn from the Pacific, naturally, we thought out here we ought to protect America, rather than to go along and help out in the [3175] European area. That went right along, of course, and the grand strategy of course on what happened afterwards, of course, was just as critically discussed out here as it was in other parts of the country, and by other officers, in high command, as to what they ought to have in the Pacific. Certainly we felt that we ought to have everything that was here at that time, and more.

25. General RUSSELL. Earlier in your evidence, you indicated that you had brought along with you certain papers, I assume, from the Advertiser's files. Is that true? Is that the package?

Mr. COLL. Will you repeat that.

26. General RUSSELL. Does that package you have in front of you, there, contain papers from your files?

Mr. COLL. Yes; it indicates.

27. General RUSSELL. We have everything up to and through the 7th of December.

Mr. COLL. Yes; I am quite certain that you do not have this. At least, I understand that that file is not there, because it did not go back. This was an early edition that we printed early and circulated in the afternoon. It came out on it. It was what was called a "blue streak" edition. I doubt whether there are any files of this, or this; I am not sure. That is on that feature story. But there is, up from the 28th to the 5th, is what we thought was about to happen.

28. General RUSSELL. I think we have had access to these in the Washington files. I was just wondering if you had with you anything after December 7; but this is through the 5th, I believe.

[3176] Mr. COLL. No; the file of the 8th is not available, and I wouldn't permit it to be taken, unless, accompanying that issue, for the records back there, was the source of the information on which our headline was based; and they didn't seem—the Army or the Navy, or whoever asked for it at that time, wasn't willing to guarantee that an official statement, or a statement from me, stating where the information came from on which we based the headline, which was written early in the evening of Sunday the 7th, and then our press broke down, and had broken down at 8 o'clock the night before, and that edition went over to the afternoon newspaper; we never were able to go to press with it until very late on Monday morning, and just almost for the records of our files on it; and it carried this sensational headline.

29. General RUSSELL. What was that headline, do you recall?

Mr. COLL. It said that saboteurs had landed, or rather, parachute—the enemy, describing their armed vans, and so forth and so on; and that if that was going to be made a matter of record in Washington, I wanted a statement there by myself explaining how that came; that

it was not an individual statement; at any rate, the authority of it was just as authoritative as it could have been at that time.

30. General GRUNERT. Are you required as a newspaper publisher, or is your publisher required to send a copy of each one of your publications to the Library of Congress?

Mr. COLL. No; they subscribe for it.

31. General GRUNERT. They subscribe? Then, except for that one that you referred to, these are in the Library of Congress?

[3177] Mr. COLL. I don't know where those are, because those are a special edition, and we even did not keep any regular bound volume of that.

32. General RUSSELL. I have nothing else, sir.

33. General GRUNERT. Are there any questions by the advisors of the Board?

34. Major CLAUSEN. No, sir.

35. General FRANK. Colonel Toulmin?

36. Colonel TOULMIN. No.

37. General GRUNERT. Mr. Coll, is there anything else that you would like to tell the Board, that may assist it in coming to conclusions, or in getting the complete story?

Mr. COLL. Well, I don't know whether you have the editorial that we carried after the Roberts report; you perhaps have, and that expressed our opinion; and that opinion still stands.

38. General GRUNERT. I do not recall having seen that, now. If you have it there, will you read it into the record, or will you turn it over to the Recorder, and let him read it into the record?

(Editorial, the Honolulu Advertiser, January 27, 1942:)

Colonel WEST. This is from the editorial page of The Honolulu Advertiser of January 27, 1942. It is the leading editorial, reading as follows:

THE ROBERTS' REPORT

Errors in judgment and laxity in finding a true understanding of the seriousness of the danger that confronted the United States were not alone those of Rear Admiral Husband E. Kimmel and Lieut.-Gen. Walter C. Short.

They belonged to all America, and, thus, all America [3178] must share in the national complacency that found us unprepared.

This is not to excuse Admiral Kimmel and General Short. If, however, the Roberts' commission report can be taken as essentially correct, then it must be accepted as a page in American history now permanently relegated to the past.

Admiral Kimmel and General Short were two Americans whose misfortune found them in command while America slowly awakened from slumber. How much different were they from the congressman who time and again blocked this or that military appropriation or voted against conscription? The congressman is an American, you know. How much different were they from the labor leaders who called senseless, damaging strikes and the worker who wanted more and more money, and t'hell with production? They are Americans, too. How much different were they from the men and women who headed the hyphenated organizations whose preachings created disunity and confusion of thought? They were Americans. Were they any different than the millions who said that it couldn't happen here?

Yet, beyond all this, there are questions which appear to defy answers. Why was it when an enemy submarine was sunk off Pearl Harbor one hour and ten minutes before the attack began, that an alert was not sounded for both army and navy? Why was Pearl Harbor not emptied and its great fleet dispatched to sea and why did not squadrons of planes roar into the air? Why was the detector report of approaching (enemy) planes ignored? Why was [3179] the sub gate in the channel left open until after the first attack and why had not previous navy or war department orders been carried out?

Such questions and answers belong to another era. They are of the past. So is the America that created the thinking that dwelled in the GHQ's and wardrooms.

39. General GRUNERT. Now, is there anything else that you think of?

Mr. COLL. Only that I would just like to leave this with you; that is, that what would impress a person such as I am, sitting in a newspaper office, at the head of its editorial paper, and in entire control of its news and the assignments on it, that there was a feeling; of course, there was an unseen hand, for the bigger part of a year, in soft-pedaling and "shushing" incidents that came up that were aggravating and which we were particularly active in publishing, because we were rated of course as being anti-Japanese, and because we had made a consistent fight against the foreign-language schools, against the foreign-language newspapers, which had threatened to boycott us, and did take action through their Chamber of Commerce; in such instances as occurred, where speeches were made, and one was at the Central Union Church, the largest congregation of course of people that are prominent in the community, by a representative of the Japanese Chamber of Commerce, which was alien-controlled, and its membership was largely that, almost exclusively; he made a sensational speech, in which a reporter named Harry Albright, who now is a Major I think at Presidio, and went into the service. He was a Reserve Officer at that time. That night, of course, very strong pressure was brought [3180] to bear on The ADVERTISER to not print any report of that meeting. I denied that report, and it was published, maybe not in just frank terms, as it might have been otherwise, but I gave no orders to color it in any way.

The incident appeared, too, where cameras were taken from civilian men in the Army and not restored to them until they got down to the police station, and force was used there by officers, and others, of Japanese tankers, and Navy vessels, appeared in Hilo, where the famous picture which we printed of the sentry compelling visitors to bow to the sentry in the name of the emperor. On another series of stories which Albright wrote, of course, exposing the Japanese consul general's office, here, in sending, through tankers and Japanese express liners, large quantities of goods that should have gone through the customs, and they were clearing it through the consul general's office. The collector of customs, who has now passed away, of course, called on me personally to apologize to the consul general, which I didn't, of course, and refused to do; and that request had come to him from the consul general. And incidents of that sort, there was a disposition of the part of the community; and in one other instance where there were labor troubles with the two newspapers, and the Labor Board, through its office manager here, was bringing action against the newspapers from what they called "unfair labor practices"; they were adjusted. The Nippu Jiji newspaper, of course, the conditions were infinitely worse, there, and they had, as everyone believed, and Wills, the agent; that was of course outstandingly bad. That was called off without any reason why it should have been called off, at all; and those were the [3181] sorts of things that at that time of course impressed me as indicative, that I don't question but what they were sparring for time, and all that, but there certainly was a disposition from high sources somewhere, and of course that came, in my

estimation, from Washington; and I didn't have any doubt but what that was true.

I was sentenced 60 days to jail, and it was suspended, for contempt of court in the United States Court, here, for permitting a headline writer at night, although I was out of the office, to carry a line which was not exactly in accordance with the proceedings that were going on at Kewalo Basin, where the Sampans had been seized by the United States District Attorney's office, because they had been placed in the names of domestics who had no connection or relationship to those who owned them, and all of that; and that headline stated that further investigation, or words to that effect, would be carried on in the south Pacific, on the operations of these Sampans. It was purely a technical question, but nevertheless, the judge, who is now the Governor of the Territory, appointed a friend of court, and I was summarily brought in and cited for contempt of court.

[3182] That, of course, was rather technical, I thought, on his part, because I had been in the Naval Reserve as a reserve officer for a number of years just prior to the outbreak of the war and had been retired on age; and naturally I had attended for a number of years meetings in the Naval Intelligence and was quite familiar with what was being investigated at that time.

At that time I also, of course, was in close contact, beginning with General Patton's time and General Twitty, who then was a Captain, in dealing with both the Intelligence of the Army and the Navy, and worked closely with them. Frequently we were asked to get pictures of Japanese officials or officers in civilian clothes, that they asked us to do on that, and to help them in checking tanker crew lists which would leave San Diego with a certain number aboard and wind up in Honolulu with 20 or 30, or whatever it was, more than were the actual crew. It seemed to be common knowledge, of course, or was with us in there, and the understanding, that Japanese agents were being consistently put into the Territory.

There were so many things, General, that led up to all of this that, so far as I was concerned and the newspaper was concerned on it, there wasn't any question whatever in our mind that war was liable to break out at any minute. We also had the same opinion that prevailed in some sources of the Army and the Navy that Pearl Harbor and Honolulu could not be attacked very successfully. That was the general impression. As the months went on I think that changed, particularly with high ranking officers in the Navy and the Army both, on it, but it was the general impression that had prevailed for some [3183] time, and that the Japanese fleet would be a setup.

Of course, others knew better than that on it, but for that reason there wasn't any question why we predicted these things, because we felt that it was coming. Newspaper instinct tells you that, without just having the fact. All you need to know is to see what is happening. You saw the clouds there and you knew it was going to rain; that is all.

40. General GRUNERT. Are there any questions?

41. Colonel TOULMIN. May I ask a question, General?

42. General GRUNERT. Just one more, just one question.

43. Colonel TOULMIN. Did you communicate these things to General Short in person that you have just expressed here this morning?

Mr. COLL. No, I never discussed it after that meeting. I didn't see him after December 7 on it, and if that was not—I think I attended one dinner at which he was present, but I never discussed it with him.

44. Colonel TOULMIN. Any more than prior to December 7th?

Mr. COLL. No. What brought the remark up at that time was that the other paper was not in sympathy with the M-day Act, and as strong as it was on that, and we were supporting the Army in its preparation of the M-day Act giving the Governor the great power that he had under that on it; and the afternoon paper, of course, didn't agree with that, and they were fighting that, and for that reason, of course, General Short was sympathetic with us, and I think that is how the conversation arose. I don't know just how it came up, but I know that the General at that time—his first greeting on that evening was to thank me for what we had said.

[3184] 45. General GRUNERT. Thank you very much for assisting us.

(The witness was excused, with the usual admonition.)

**TESTIMONY OF GEORGE H. MOODY, OLD PALI ROAD,
HONOLULU, T. H.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Moody, will you please state to the Board your name and address?

Mr. MOODY. George H. Moody, Old Pali Road, Honolulu.

2. Colonel WEST. What is your occupation, Mr. Moody?

Mr. MOODY. I am manager of Grossman-Moody, Limited.

3. General GRUNERT. Mr. Moody, the Board is after facts or leads that will produce such facts. Now, the amount of territory and the subject that the Board has to cover is so broad that we parcel this out somewhat. General Frank, assisted by Major Clausen, will take over this particular part, and the rest of the Board will ask such questions to fill it out as they see fit.

Mr. MOODY. Yes, sir.

4. Major CLAUSEN. Mr. Moody, you said you are a member of the firm of Grossman-Moody. Were you a member of that firm during 1941, sir?

Mr. MOODY. Yes, sir.

5. Major CLAUSEN. 1942?

Mr. MOODY. Yes, sir.

6. Major CLAUSEN. And did you at one time become an employee, a civilian employee, of the Engineering Corps?

Mr. MOODY. Yes, sir.

[3185] 7. Major CLAUSEN. Of the United States Army?

Mr. MOODY. Yes, sir.

8. Major CLAUSEN. And in the course of your activities as an employee of the Engineering Corps and also prior to that time, did you become acquainted with the activities of Colonel Wyman?

Mr. MOODY. No, sir.

9. Major CLAUSEN. Did you know Hans Wilhelm Rohl?

Mr. MOODY. Not at all. I met Colonel Wyman once when I was sent to his office by Colonel Lyman to see about opening some camouflage

factories. After the blitz I went down to Davies to handle the feeding for the Red Cross, which I did for about, oh, I think seven or eight or ten days. Then Colonel Lyman phoned me and asked me to come here to Shafter, and I came here, and he said he wanted camouflage factories started and started that day, and to hurry up. And I asked him how to do it, and he said, "Well, I will send you in to Colonel Wyman, and he will tell you the procedure of how to do it." And that was the only time I met Colonel Wyman.

10. Major CLAUSEN. Did you ever meet a Hans Wilhelm Rohl, Mr. Moody?

Mr. MOODY. No.

11. Major CLAUSEN. When you were a civilian employee of the Engineering Corps you were working under Colonel H. B. Nurse; is that correct?

Mr. MOODY. Not while I was in the camouflage department. I worked under Colonel Nurse later, in a division that was set up that was called the B. B. Division, which was supposed to be an investigation division on all the activities of the Engineers.

[3186] 12. Major CLAUSEN. And this B. B. stood for Bottleneck Busting; is that correct?

Mr. MOODY. That is correct, yes.

13. Major CLAUSEN. So in the course of your activities as an employee in this Bottleneck Busting Division did you investigate the activities of the Engineering Corps with respect to delays and deficiencies?

Mr. MOODY. Any problem which came up that Colonel Nurse wanted to send us on, he sent us, if it was a truck delay or if it was why a warehouse wasn't finished, or almost any other problem that came up in any of the Engineer activities, whether it was trouble with a contract or what it might be.

14. Major CLAUSEN. Specifically, Mr. Moody, when did your activities as an employee of the Bottleneck Busting Division commence?

Mr. MOODY. It was around Christmas.

15. Major CLAUSEN. Of what year, sir?

Mr. MOODY. It must have been '43.

16. Major CLAUSEN. '43?

Mr. MOODY. Or '42. It was around Christmas, and I was there for a year; I mean, for—until summer. Six months I was in there with Colonel Nurse.

17. Major CLAUSEN. Do you recall an occasion when Colonel John E. Hunt of the Inspector General's Department of the Army came to the Islands in connection with an investigation of the affairs of Colonel Wyman?

Mr. MOODY. Yes, I was in Colonel Nurse's office at that time. That will set the date of it.

18. Major CLAUSEN. I believe you have already testified before [3187] the House Military Affairs Committee that at that time Colonel Hunt did not go over the records in detail.

Mr. MOODY. Not that I know of, no, sir.

19. Major CLAUSEN. And you also said that Colonel Hunt was out to prove that nobody was willing to testify that Colonel Wyman was crooked.

Could you give us the basis for your assumption in that regard, sir?

Mr. MOODY. Only from discussion in Colonel Nurse's office.

20. Major CLAUSEN. And what was that, Mr. Moody?

Mr. MOODY. Just discussion between Colonel Nurse and Colonel—and General Hunt.

21. Major CLAUSEN. Yes?

Mr. MOODY. In which General Hunt said that he didn't think that—while people were willing to gossip about things, they were not willing to get up and make a sworn statement as to what was right and wrong, and that he felt it as so hard to get anybody to go on record that a man was dishonest or that anything was wrong, that they would talk about it but that they wouldn't give any proof. That was it.

22. Major CLAUSEN. Now, with regard to Colonel Hunt not going over the records in detail, what records did he fail to go over?

Mr. MOODY. Oh, I said that as far as I knew he did not go over Colonel Nurse's records in detail on his investigation, group that were turned in by Colonel Nurse, into the office there. Colonel Nurse has all those records still in his private file in San Francisco, or had last March when I was there.

23. Major CLAUSEN. You also stated you had some records which [3188] would be pertinent to the general inquiry on which Colonel John E. Hunt was engaged at the time?

Mr. MOODY. I don't think so, no. I don't know. Of course, I don't know all that—I don't know whether General Hunt—was it General or Colonel?

24. Major CLAUSEN. Colonel Hunt, sir.

Mr. MOODY. —was here to investigate the whole Engineer setup or whether he was put here to investigate Colonel Wyman. Now, I have no records on Colonel Wyman. My records are only copies of the reports that I turned in, everything, to Colonel Nurse, but whether some of those things might be on things that were started by Colonel Wyman or not, I wouldn't know.

25. Major CLAUSEN. Do you have any information, Mr. Moody, which in your opinion may be of interest and value to this Board?

Mr. MOODY. I have my records of the reports that were turned in.

26. Major CLAUSEN. Would you make those available to me?

Mr. MOODY. Yes, if you want them. They are pretty hard to read, I think.

27. Major CLAUSEN. Well, if you just turn them over to me sometime soon, in the next few days.

Mr. MOODY. May I have them back?

28. Major CLAUSEN. Yes.

Mr. MOODY. Now, I think the best place to look is in Colonel Nurse's records, and I am sure he will make them available to you.

29. Major CLAUSEN. All right, sir.

[3189] Mr. MOODY. Now, those will have—I don't know whether he kept the men's daily reports or not, but I know that he kept a record of his reports to General Kramer or to whoever was in charge at that time.

30. Major CLAUSEN. That is General Hans Kramer?

Mr. MOODY. Yes.

31. Major CLAUSEN. I see. I have no further questions, sir.

32. General GRUNERT. Apparently you have nothing else to offer the Board. I don't know what to ask questions on. What has been brought up there is nothing to be questioned about.

These records that you are going to turn over to Major Clauson, what are they about?

Mr. MOODY. Activities of the Engineer Department at that time, sir.

33. General GRUNERT. Reports on those things that you went out to "B. B."?

Mr. MOODY. Yes, sir. And some of them are ridiculous: whether a man goes to work, whether—small details, a great many of them.

34. General GRUNERT. They were negative as well as positive, were they?

Mr. MOODY. Yes, sir; both types of things.

35. General GRUNERT. Any other questions?

Mr. MOODY. I really think, sir, that Colonel Nurse's records would be of great value to you.

36. General GRUNERT. Thank you very much for coming.

(The witness was excused, with the usual admonition.)

37. General GRUNERT. We shall take a five-minute recess.

(There was a brief informal recess.)

[3190-91] **TESTIMONY OF COLONEL RAY E. DINGEMAN, COMMANDING OFFICER, 144TH GROUP COAST ARTILLERY, FORT RUGER, TERRITORY OF HAWAII**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization and station?

Colonel DINGEMAN. Colonel R. E. Dingeman, Commanding Officer of the 144th Group, Fort Ruger, Territory of Hawaii.

2. General GRUNERT. Colonel, what was your position or assignment in the latter part of 1941, including that held at the time of the attack?

Colonel DINGEMAN. I was Army liaison officer with the 14th Naval District, Pearl Harbor.

3. General GRUNERT. As such were you an assistant to the Assistant Chief of Staff, G-3, of the Department?

Colonel DINGEMAN. I was.

4. General GRUNERT. Who was he?

Colonel DINGEMAN. Colonel Donegon.

5. General GRUNERT. Colonel Donegon in his testimony before the Board stated that you were the liaison officer or was the liaison officer between the G-3 Section of Department Headquarters and the 14th Naval District; is that right?

Colonel DINGEMAN. Yes, sir.

6. General GRUNERT. Will you tell us what your duties were as liaison officer with the District?

Colonel DINGEMAN. I was detailed primarily to handle the harbor control post. We were setting up a harbor control post by order of the War Department and we were installing that [3192] facility at Pearl Harbor, Pearl Harbor itself, getting the communications set up and working out joint exercises to test it out. In addition to that, I had as my duty the arranging of trips on battleships and arranging for clearing the field of fire and high-speed towing missions and also we did quite a lot of calibrating of the Navy range

finders, which was handled through me, used to have stereo points on the range finder, and we did a lot of that for the task forces when they came into Honolulu.

7. General GRUNERT. Where was your post of duty, as you might call it? Were you with the 14th Naval District or at Fort Shafter and went to the District, or what?

Colonel DINGEMAN. I was on duty at the 14th Naval District. I had my office and desk in Admiral Bloch's headquarters.

8. General GRUNERT. Then you were the counterpart of what Lieutenant Burr was for the Navy?

Colonel DINGEMAN. Yes, sir.

9. General GRUNERT. For the District?

Colonel DINGEMAN. Yes, sir.

10. General GRUNERT. Now, as I understand it, your duties were primarily concerned with what we might call training?

Colonel DINGEMAN. That is right, yes, sir.

11. General GRUNERT. Making the necessary arrangements so the training could be coordinated?

Colonel DINGEMAN. Yes, sir.

12. General GRUNERT. Did you have any duties with respect to getting information from the District and transmitting it to the Department, and vice versa?

Colonel DINGEMAN. Prior to the war, practically none; after [3193] the war that was my principal job. Prior to the war I had practically none. As a matter of fact, part of the time I helped Colonel Lawton in organizing a task force for taking over Canton, Christmas and Midway. He and I worked that out, the details of that.

13. General GRUNERT. If the District wanted to do business with the Department, was that business arranged through you, or not?

Colonel DINGEMAN. Very little, if any, sir. Major Fleming at the time was the Engineer Officer and most of the things that were being done were rights to go into Canton and Christmas and those advance bases and practically all of it was handled direct through Captain Earl, who was then Chief of Staff for the 14th Naval District, and Admiral Bloch himself. I was rarely in on that at all.

14. General GRUNERT. Then, as I understand it, you were sort of a leg man between the two?

Colonel DINGEMAN. That is right.

15. General GRUNERT. But when it came to any particular subject they wanted to talk about, they talked directly?

Colonel DINGEMAN. That is right, practically always. I transmitted messages sometimes, an officer-to-officer message, but it was enclosed in envelopes. I never knew the contents.

16. General GRUNERT. If there was any intelligence information transmitted from the District to the Department, that would or would not go through you?

Colonel DINGEMAN. Not necessarily through me. Very often the individual that was handling that activity went direct. I started this job on the 17th of October, September or October, [3194] I cannot just recall the month, but it was in the latter part of the year 1941.

17. General GRUNERT. Colonel Donegon left the impression with the Board that you could give us a lot of information that he did

not have. Apparently you have not much of such information; or what have you that you can tell the Board that may assist us?

Colonel DINGEMAN. Of course, up to now I have been talking about up to the 7th. After the 7th—

18. General GRUNERT. Suppose you limit yourself, first, to what you think would be of interest to the Board during the period prior to and including December 7th.

Colonel DINGEMAN. Well, I do not believe I have anything more than I have told you, sir, prior to the 7th. It was a new job and I was just detailed to see—it was up to me to make the job.

19. General GRUNERT. Then the information you have pertains primarily to after the 7th?

Colonel DINGEMAN. That is right.

20. General GRUNERT. The Board is interested only to the extent to which that may have a bearing on what happened prior to and including the 7th.

Colonel DINGEMAN. I am afraid I do not have a great deal that can help you on that. As to information, much of that stuff was more or less hearsay, because I was not in on it. General Short handled through Fleming lots of things very direct.

21. General GRUNERT. And Fleming was concerned primarily with construction?

Colonel DINGEMAN. That is right. That was the biggest [3194-A] thing. I was just trying to recall one incident where I did know something about it, about the bases in the South Pacific, but I do not know that it is of particular interest. It was in regard to some sovereignty rights of the British. Other than that I cannot recollect anything, sir.

22. General GRUNERT. Do you know anything about the messages that came to the Navy which the Navy transmitted to the Army?

Colonel DINGEMAN. Not prior to the 7th. I handled all of them after the 7th, but none prior to the 7th.

23. General GRUNERT. Do you know anything about the message of November 27th from the Chief of Staff to the Commanding General of the Department which resulted in the adoption of Aleft No. 1?

Colonel DINGEMAN. Yes, sir, I saw that some time after we had been in an alert condition.

24. General GRUNERT. Then you know of the message?

Colonel DINGEMAN. Yes, sir.

25. General GRUNERT. But you know it only after the decision was made to go on Alert No. 1?

Colonel DINGEMAN. That is right. We were on more or less of an antisabotage alert.

26. General GRUNERT. That is Alert No. 1, is it not?

Colonel DINGEMAN. Yes, sir. That was the way it was being executed.

27. General GRUNERT. Was the decision regarding that alert or the message which apparently caused the adoption of that alert discussed in G-3, do you know?

Colonel DINGEMAN. To a very small extent, so far as I am personally concerned, and not at all with the Navy. I know we [3195] did discuss it some.

28. General GRUNERT. Did you discuss the question of whether or not that alert covered what you thought was necessary to cover because of the message received, or not?

Colonel DINGEMAN. Yes, I thought that came up as part of the situation.

29. General GRUNERT. What was the discussion like? How did it run?

Colonel DINGEMAN. Well, there is a little background in connection with that. In 1940 we put in alert conditions here. I have been here since 1939. At that time I had a battery. We went on and on without much information to the line troops. It was sort of considered a phoney war. We did get armed and had all our ammunition out and we spread out very thin over everything. So with that as sort of a background we wondered if this was kind of the same thing, after being in an alert condition, after a while.

30. General GRUNERT. But you were not in the same alert, were you? What was that 1940 alert?

Colonel DINGEMAN. No, sir. That was a real alert.

31. General GRUNERT. An all out?

Colonel DINGEMAN. Yes. We were ordered in the field ready to shoot with ammunition and everything.

32. General GRUNERT. And this Alert No. 1 was sabotage, antisabotage?

Colonel DINGEMAN. Antisabotage, yes, sir.

33. General GRUNERT. Did that cause discussion?

Colonel DINGEMAN. No. I think we rather accepted that as more or less a normal thing. Of course, as I say, I had no [3196] further information than the telegram that we were not to unnecessarily alarm the populace here.

34. General GRUNERT. That seems to stick in all your minds, not to alarm the public. Do you remember any of the other parts of that message, outside of not alarming the public?

Colonel DINGEMAN. Well, it said to take full precautions as to local security. It seems like the local security stood out. Local security was interpreted then as antisabotage, because of the preponderance of Jap population here.

35. General GRUNERT. Just give us the gist of what you recall about that message. You mentioned that you were not to alarm the public and take care of local security.

Colonel DINGEMAN. As I recall, there was something about that an attack or a war was imminent, and I have forgotten now whether it stated in there that negotiations were proceeding. As you say, it does stand out in my mind that we were to take care of local security and not unnecessarily arouse the populace.

36. General GRUNERT. This message has often been read, but I think we will have to read it again.

Colonel DINGEMAN. I suppose so, as I have not seen it since then.

37. General GRUNERT. To refresh your memory, I will have the Recorder read it again, and then I want to find out, as you listen to this, why the other parts of that message did not stand out the way the question of alarming the public stood out. Just have it in mind when he reads, will you?

Colonel DINGEMAN. Yes, sir.

[3197] 38. Colonel WEST. This is a radiogram dated November 27, 1941, to the Commanding General, Hawaiian Department, Fort Shafter, T. H., signed "Marshall", for body of which reads as follows: (Message of November 27, 1941, from War Department to commanding general, Hawaiian Department, is as follows:)

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibilities that the Japanese Government might come back and offer to continue period Japanese future action unpredictable but hostile action possible at any moment period If hostilities cannot comma repeat cannot comma be avoided the United States desires that Japan commit the first overt act period This policy should not comma repeat not comma be construed as restricting you to a course of action that might jeopardize your defense period Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary but these measures should be carried out so as not comma repeat not comma to alarm civil population or disclose intent period Report measure taken period Should hostilities occur you will carry out the tasks assigned in Rainbow Five so far as they pertain to Japan period Limit dissemination of this highly secret information to minimum essential officers.

39. General GRUNERT. No wyou see there that does not refer in any way to local security. It does refer to not alarming the public. But in that it says to the effect that whatever you do, do not jeopardize your defense. That does not stand out in your memory, does it?

Colonel DINGEMAN. It does not seem to, no, sir, in con- [3198] trast to the message received in the one prior to that. It said you will immediately go into a condition of active defense and not unnecessarily alarm the public. This is a very liberal paraphrase of it. But you will go into the field and be prepared for an air attack.

40. General GRUNERT. Now you are talking about 1940?

Colonel DINGEMAN. Yes, sir. It was very positive.

41. General GRUNERT. That was a positive message?

Colonel DINGEMAN. Yes, sir.

42. General GRUNERT. This was just an informational message?

Colonel DINGEMAN. No. Of course, I did not study that at the time. The thing is, on this island you cannot move unless they know it. You can hardly do anything on this island unless everybody can see it and know it. Perhaps we did, I did or anybody else, give a little more weight to that fact of not unnecessarily alarming the public. You could not move trucks or anything.

43. General GRUNERT. You had former alerts, did you not?

Colonel DINGEMAN. We had them on an average of once a month, I would say.

44. General GRUNERT. Did any of those alerts alarm the public?

Colonel DINGEMAN. I don't think so.

45. General GRUNERT. Then what about taking Alert No. 2, which was protection or preparedness to meet an air attack, and Alert No. 3, which was an all-out alert? What would you do there that you had not been doing in your practice alerts that would alarm the public?

Colonel DINGEMAN. Well, I don't think there would have been much more. There were quite a few changes in antiaircraft gun positions that we would not take up, because we had to go [3199] into private fields here, rather than just go on the beach line and simulate field conditions. There was quite a change in the setup for a war condition. The searchlights, for instance, and antiaircraft guns.

46. General GRUNERT. Then this message did not alarm G-3 to the extent where they thought they ought to have gone on an all-out alert?

Colonel DINGEMAN. I do not think it did, no, sir.

47. General GRUNERT. The thing that stood out in all your minds was the antisabotage measures?

Colonel DINGEMAN. Yes, sir.

48. General GRUNERT. Because of the state of mind that had been built up from the past?

Colonel DINGEMAN. That seems to be it. And we depended on the Navy to give us information of any fact like that being imminent. I do not know where they got the information for the 1940 alert, but they evidently got it.

49. General GRUNERT. Had you been getting information from the Navy that assured you that when and if the time came you could depend upon them to get information?

Colonel DINGEMAN. I cannot answer that, sir, because I do not know what they were getting, but I know that I have been on joint boards here, on which there have been search missions for the islands and which was the Navy's responsibility.

50. General GRUNERT. Do you know whether or not they were carrying out that responsibility at the time?

Colonel DINGEMAN. I do not, no, sir. I knew there were a lot of difficulties about having insufficient planes and things like that. Of course, Admiral Bellinger often in these discussions [3200] would indicate the shortage of planes and personnel.

51. General GRUNERT. Then you had confidence in the Navy?

Colonel DINGEMAN. Yes, sir.

52. General GRUNERT. To the extent that you thought you were secure with an antisabotage alert, unless you got additional information for doing something else?

Colonel DINGEMAN. That is right, and coupled with the Navy intelligence agencies which we knew to exist.

53. General GRUNERT. But did you know what they had given you, or were they keeping you informed, so far as you know?

Colonel DINGEMAN. No, sir, I could not answer that.

54. General GRUNERT. Any other questions from the Board?

55. General FRANK. What element of the population were you fearful about?

Colonel DINGEMAN. I think the Japanese, sir. I personally was fearful of all the Japanese population. I did not trust them at all.

56. General FRANK. In other words, this message, you thought, applied particularly to the Japanese?

Colonel DINGEMAN. Yes, sir.

57. General FRANK. Suppose you disturbed the Japanese; so what?

Colonel DINGEMAN. To my own personal opinion, I would not care whether it disturbed them or not.

58. General FRANK. Had there not been any evidence of an actual attack from without by Japan, do you believe that the Japs on the islands could have been handled, so far as any disturbing of them was concerned, by peacetime measures?

Colonel DINGEMAN. Oh, yes, I think so. I do not think [3201] that was any problem at all.

59. General GRUNERT. Have you anything in the back of your mind, or the forward part of it, as to anything that you know that might assist the Board? If so, this is the opportunity to discuss it.

Colonel DINGEMAN. I would like to ask what you mean by assistance? In what phase? As to responsibilities?

60. General GRUNERT. As to anything that led up to the attack and during the attack. We are here to ascertain the facts as to the attack on Hawaii. Anything that is pertinent to that may be of assistance to us. A great many witnesses have something they want to tell when they get up and they don't get an opportunity to tell it by the questions asked, so we are giving you this opportunity in case you have any such thing in your mind.

Colonel DINGEMAN. No, I cannot think of anything now. Maybe my mind stopped trying to think of all the things I might go on and tell you and will think of later.

61. General GRUNERT. Thank you very much.

(The witness was excused, with the usual admonition.)

**TESTIMONY OF ROBERT L. SHIVERS, COLLECTOR OF CUSTOMS,
HAWAIIAN ISLANDS, 4775 AUKAI STREET, HONOLULU, TERRITORY OF HAWAII**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Will you please state to the Board your name and address, Mr. Shivers?

Mr. SHIVERS. Robert L. Shivers, 4775 Aukai Street, Honolulu.

2. Colonel WEST. And what is your present assignment, Mr. Shivers? You are no longer with the F. B. I., are you?

[3202] Mr. SHIVERS. I am at present Collector of Customs for the Hawaiian Islands.

3. General GRUNERT. Mr. Shivers, this Board is appointed to ascertain and report the facts relating to the attack made by the Japanese armed forces upon the Territory of Hawaii on the 7th of December, 1941. We hope that you will be able to give us some of those facts, or give us leads to where we can get such facts. The breadth of the investigation is such that we have divided phases of this among the Board members, although all the members are interested and will ask questions as they occur to them. But I have asked General Russell to conduct this part of the investigation, so he will lead in the questioning.

4. General RUSSELL. Mr. Shivers, you and I had a conversation a little while ago in which we discussed the relation of the F. B. I. to the Hawaiian Department of the Army and the naval operations here on the Island of Oahu, is that true?

Mr. SHIVERS. That is right, yes, sir.

5. General RUSSELL. In that conversation it developed that the office memorandum which had been submitted to this Board by the Washington office of the F. B. I., that you had received a copy of that memorandum.

Mr. SHIVERS. I have seen a copy of it, yes, sir.

6. General RUSSELL. We want to preface the evidence which you may give the Board by stating that the F. B. I. in the Washington office

did furnish us with this memorandum and the memorandum covers in some detail the greater parts of the evidence which you gave before the Roberts Commission during its earlier investigation of the Pearl Harbor disaster, dealing with the [3203] subject of jurisdiction and many other subjects, and since this data is available to us from the memorandum submitted, we can limit your examination considerably. In other words, there are many details here that we won't cover with you. Have you read this memorandum?

Mr. SHIVERS. I have, yes, sir. I prepared most of the information that is contained in the memorandum myself.

7. General RUSSELL. Do you regard it as an accurate statement of the facts relating to the subjects covered by the memorandum?

Mr. SHIVERS. Yes, sir, it is.

8. General RUSSELL. Now, there are two or three subjects, however, that we would be pleased to discuss with you. Do you recall the messages or the information which you had given to the military and naval authorities here touching possible activities of the Japanese prior to December 7th? I do not in that question refer to such data as you may have furnished them on individual Japanese or Japanese organizations, but more definitely as to combat intelligence, if that statement is clear to you.

Mr. SHIVERS. It is clear, yes.

9. General RUSSELL. Would you tell the Board what information of that type you had furnished to the military and naval authorities prior to December 7th, 1941?

Mr. SHIVERS. The only information that I recall which could be related to combat intelligence which was furnished to the military and naval intelligence services in Honolulu by the F. B. I. were two messages. One message was intercepted by a telephone tap which we had placed or the F. B. I. had placed on [3204] the telephone at the Japanese consulate which was used by the Japanese consulate cook. The naval intelligence had all of the other telephones going into the consulate tapped at that time. They did not tap this one telephone. I suppose they did not know it was there. We did tap that phone about some time in November, and there was one message or one telephone conversation which we intercepted on December 3rd.

The cook at the consulate had telephoned to somebody out in town and told this person that the Japanese consul general was burning and destroying all of his important papers. I immediately furnished that information to Lieutenant Colonel George W. Bicknell, who was then Assistant Chief of Staff and assigned to the G-2 office under Colonel Fielder. I also furnished that information to Captain I. H. Mayfield, who was the District Intelligence Officer of the 14th Naval District.

10. General RUSSELL. Were any steps taken to verify this telephone conversation from the cook of the Japanese consulate, whether you could discover evidences of the actual burning of those papers?

Mr. SHIVERS. We made no attempt to discover any visual evidence of that fact. We assumed it to be true.

11. General RUSSELL. Was there any other message or data which you gave to the military and naval authorities prior to December 7th.

Mr. SHIVERS. There was a telephone intercept between a Doctor

Mori, a Japanese agent who resides in Honolulu, and an individual in Tokyo. This individual, I do not recall his name, but I think he was connected with some newspaper in Tokyo, or some press association in Tokyo. This conversation occurred at [3205] 5 o'clock or approximately 5 o'clock on the afternoon of December 5th. We got the message translated at about noon on December 6th. I furnished a complete translation of that message to Lieutenant Colonel George Bicknell and to Captain I. H. Mayfield at about 6 o'clock Saturday afternoon, December the 6th. I did not give it to them earlier, because I was unable to contact either of them until 5 o'clock that afternoon. As soon as they got to the office, after I got in touch with them, they came to my office and copied this message.

12. General RUSSELL. Was not Bicknell in an office adjacent to your office in downtown Honolulu?

Mr. SHIVERS. He was, yes, sir.

13. General RUSSELL. Did not he have any representative in his office during the afternoon of December 5th to whom you could have delivered that message for transmission to General Short?

Mr. SHIVERS. He did, yes, sir.

14. General RUSSELL. Do you know now why the message was not delivered to whoever may have been in Bicknell's office?

Mr. SHIVERS. I considered the message of such importance or such consequence that I did not want to give it to a subordinate officer.

15. General RUSSELL. Tell us what, if any, construction you placed on this intercepted telephone message?

Mr. SHIVERS. I knew or at least I thought I knew that there was military significance in the message. What it was I did not know. I pointed out to Colonel Bicknell and to Captain Mayfield certain things in the conversation that struck me as being significant. One I recall was the question about the patrol planes [3206] that were flying out of Honolulu at that time. Another was the question about the flowers that were in bloom at that time. Personally I thought that that information would probably be used for the purpose of locating the islands and so pointed out to Mayfield and Bicknell.

16. General RUSSELL. Did you have any authority for tapping these telephones?

Mr. SHIVERS. I had authority from the Attorney General to tap the overseas telephone.

17. General RUSSELL. I believe that appears in this memorandum.

Mr. SHIVERS. That does; yes, sir.

18. General RUSSELL. There has come to the attention of the Board elsewhere information about a system of signals which apparently has been instituted here on the Island of Oahu to convey information to Japanese forces off the coast of Oahu. Do you know how that information was developed?

Mr. SHIVERS. Well, after the attack on December the 7th my office, the F. B. I., immediately asked the police department to place a guard at the Japanese consulate, which was done. In the course of the operations of that police guard they ran across certain material at the consulate which had not been burned. Among that material was the telegraph file of the Japanese consulate. They brought that telegraph file to my office. I sent the telegraph file to the Navy Intelligence Office and asked the District Intelligence Officer if he could get

the messages translated. They were all in code. One of the messages that was translated was this radiogram that was sent by the Japanese consul general in Hawaii to the Foreign Office in Tokyo which outlined an alternate system for the one [3207] that had been previously furnished to him by a man, by a German by the name of Otto Kuhn. That system of signals provided for certain signals to be—are you acquainted with that telegraph file?

19. General RUSSELL. Yes, I think we put it in evidence. I think we have the details of it. The reason for bringing it up was to ask what if any thinking the F. B. I. did to reconcile the telephone conversation of December 3rd to the effect that documents were being burned with the existence of these documents which were discovered after December 7th? Why weren't they burned?

Mr. SHIVERS. As I recall, one of those telegrams that we found in the consulate instructed the Japanese consul general to hold on to his code book up until the last before destroying it. We know now that he held on to his telegraph file too long. Why he did not burn it in the beginning, I do not know.

20. General RUSSELL. This message which you discovered in the seizure of December 7th relating to the system of signals to offshore Japanese forces, were you able to identify any of the parties here on the island who may have been charged with responsibility in connection with furnishing those signals?

Mr. SHIVERS. We were, yes, sir.

21. General RUSSELL. What did you do with those people?

Mr. SHIVERS. One of the individuals was Otto Kuhn himself who prepared the system. He was later prosecuted before a military commission and sentenced to death by the commission. The sentence was later commuted to 50 years in prison.

22. General RUSSELL. Any others?

Mr. SHIVERS. No others prosecuted.

[3208] 23. General RUSSELL. But you did discover the existence of others who had definite functions in connection with these signals?

Mr. SHIVERS. We did not discover any other people who had any definite function in connection with carrying out that system.

[3209] 24. General RUSSELL. While we are on this subject, do you recall the prosecution by federal authorities, either civil or military, of any of the Japanese who were interned following the attack on December 7, 1941?

Mr. SHIVERS. So far as I know, none was prosecuted. Let me qualify that by saying the matter of the prosecution of Doctor Mori and his wife was presented to the then Military Governor's office. The Military Governor had some member of his staff consult with Angus Taylor, who was at that time the Acting United States Attorney, and for some reason which is not clear to me now they were never brought to trial before the Military Commission or in the United States Courts. They could not be brought to trial in the United States Courts at that time, because under the proclamation declaring martial law here the operation of those courts was suspended.

25. General RUSSELL. Did the FBI make an investigation to determine Japanese activities prior to December 7 which might have had as their mission the discovery of facts relating to the presence of the Navy at Pearl Harbor?

Mr. SHIVERS. I do not understand that question.

26. General RUSSELL. I say, did the FBI make an investigation following December 7, to determine or to discover activities of Japanese agencies prior to December 7, which agencies were seeking information about the presence of the fleet at Pearl Harbor?

Mr. SHIVERS. We did; yes, sir.

27. General RUSSELL. In connection with that investigation were you furnished captured documents or maps which had been taken from Japanese submarines?

[3210] Mr. SHIVERS. We were; yes, sir.

28. General RUSSELL. Would you tell the Board about the map which you exhibited to me a little while ago, entries on which indicated to you as you stated to me that a Japanese submarine had been in Pearl Harbor, had gone through Pearl Harbor, rather in detail, and had entered on the map data as to the location of ships of the Pacific Fleet.

Mr. SHIVERS. Some time after the attack, we were able to, or rather we tried jointly with the naval intelligence to get access to some of the captured material, that was captured on December 7, or shortly thereafter, for the purpose of trying to reconstruct the intelligence operations of any agent who may have been operating in Hawaii prior to the attack. We felt if we had access to some of the maps, which we had heard were in existence, we might probably be able to identify some of the people in Hawaii who may have furnished information, that was reported to us to have been on the map. We were able to get from naval intelligence two maps which were reported to me as having been found on one of the Japanese submarines.

We examined those maps and translated all of the Japanese characters and writing appearing on the maps. Some of the writing on the map had been printed, as though it had been made up some time before. There were other characters on the map which had been written in by someone, and appeared to have been written in very recently.

An examination of the map indicated to me rather definitely that there had been Japanese submarines in Pearl Harbor immediately before the attack.

29. General RUSSELL. Will you tell the Board what that [3211] information was that indicated the presence of this submarine in Pearl Harbor.

Mr. SHIVERS. Well, I have the map, which I can show to the Board.

30. General RUSSELL. Could you read from that map this data?

Mr. SHIVERS. And mind you, this is purely my interpretation. It is not an official interpretation of the Navy, nor is it an official interpretation of the Army, although the Army intelligence did see these two maps I have.

These two maps have been designated "Map No. 1" and "Map No. 2." There are some 210 items appearing on the map which were translated by the FBI. I don't know whether you want me to read those or not.

31. General RUSSELL. No. I think it would be interesting to the Board to know the places where this submarine was, and at what times—just as you showed to me the course of the submarine through the harbor.

Mr. SHIVERS. There is one notation on this map here which has been designated "No. 36." There are Japanese characters written on the map which, translated, reads:

Enter harbor (written in dark letters) leave harbor (written in light letters).

There are other Japanese characters appearing on the map, designated as "No. 40," which read:

Course taken in entering harbor, 331 degrees (nearly certain) 335 degrees (assumed).

Now, on this map is various information relating to the installations at Hickam Field, Pearl Harbor, and areas adjacent to both places.

[3212] There is also on the map, which was written in Japanese characters, designated as "9," a code, which was undoubtedly to be used by the submarine commanders in communicating with their mother ship or the Japanese task force that was en route to Hawaii.

32. General RUSSELL. For example?

Mr. SHIVERS. For example, one of the code words is "Ito" or "(Kito)." That word would mean "indication strong that enemy fleet will put out to sea."

There is another code word, "Kaki," which would indicate, "Enemy fleet put out to sea from or through"; then the other code words to describe the movement of the fleet.

Now, it is believed that this map shows the course of the Japanese submarine that went into Pearl Harbor. A course is charted, and it shows that this submarine reached a certain point at 12:40 a. m., going into the harbor. Another point, going in, at 12:45; another point, at 1 o'clock; another point, at 1:15. The point it reached at 1:15 is the place where the submarine gate stretched across the harbor.

The next entry is just a fraction of an inch from the 1:15 entry, and is "4:10." We learned from the Navy that the submarine net opened at Pearl Harbor on the morning of December 7, at 4 o'clock, to permit the garbage scow to go out.

33. General RUSSELL. Indicating, therefore, what?

Mr. SHIVERS. Indicating, therefore, that this submarine arrived at the gate at 1:15 a. m., and remained there until the gate was opened, at 4:10 a. m. The course is then plotted around the harbor, and shows that he came out at the point where he entered, at 6 o'clock; and there is plotted on the map [3213] presumably by the submarine commander the location of the *Arizona*, the *Pennsylvania*, *Maryland*, *West Virginia*, *Tennessee*, *California*, *Wyoming*, and *Saratoga*; we learned, also, the *San Francisco*, *Omaha*, and *Trenton*.

34. General FRANK. When was this submarine supposed to have made this trip?

Mr. SHIVERS. That, I wouldn't know, sir.

35. General FRANK. About?

Mr. SHIVERS. I wouldn't know that.

36. General FRANK. I thought you stated, just before you started to describe this, that it was just prior to the attack some time.

Mr. SHIVERS. I would say, although there is nothing on the map to indicate when the submarine went in there, that it had to be at some time when the ships plotted were actually in the harbor.

37. General FRANK. But some of those ships were not in the harbor?

Mr. SHIVERS. Some of those ships were not in the harbor. As I understand it, there were no cruisers in the harbor at that time.

38. General FRANK. And no aircraft carriers?

Mr. SHIVERS. And no aircraft carriers. Apparently, from what happened, the *Utah* was mistaken for the *Saratoga*.

39. General RUSSELL. Wah the *Utah* shown, and the *Saratoga* was in? Is that the way, or was the *Saratoga* shown?

Mr. SHIVERS. The UTAH was in, and the SARATOGA was shown as being at the mooring where the UTAH was moored.

40. General RUSSELL. And the SARATOGA was pretty badly [3214] destroyed by the enemy?

Mr. SHIVERS. The UTAH was badly destroyed.

41. General RUSSELL. The UTAH was badly destroyed by the enemy? Now, does the other mark which you have indicated show the submarine departed, which entered the harbor?

Mr. SHIVERS. Yes, sir.

The other map was also translated by the FBI, and circle No. 73, there has been written on the map in Japanese characters the word "start"; 74, the words "leave tube"; 72, there are apparently some words that could not be deciphered, but those that could be deciphered read, "that I found the mouth of the harbor."

I may not be able to give you an exact statement; what I am going to say now may not be exact, but you can have it properly translated, and it will indicate the exact status about which I am going to relate now. It appears that there was a rendezvous between two of the Japanese submarines at a certain point on the map indicated as "Map No. 1," and that each of the submarines went into Pearl Harbor on a different course.

42. General RUSSELL. Following a question asked by General Frank, has the FBI made any effort to determine on what day the ships as shown on Map No. 2 were actually in the harbor?

Mr. SHIVERS. The FBI didn't consider that any of its business. It felt that it was purely a matter for naval intelligence.

43. General RUSSELL. Is there anything else that you want to tell us about those two maps?

Mr. SHIVERS. No, there is nothing else that I can tell you [3215] about them. The maps speak for themselves.

44. General RUSSELL. Would you make those available to us?

Mr. SHIVERS. I would have to get permission, sir.

45. General RUSSELL. From FBI, in Washington?

Mr. SHIVERS. Yes, sir.

46. General RUSSELL. Are copies of those maps in Washington?

Mr. SHIVERS. Yes, sir.

47. General RUSSELL. With the entries that you have discussed with us this morning on them?

Mr. SHIVERS. Yes, Sir.

48. General GRUNERT. Where did those maps come from?

Mr. SHIVERS. These maps were delivered to me by the Office of Naval Intelligence.

49. General GRUNERT. Do you know where they got them?

Mr. SHIVERS. They said they came from the Japanese submarines.

50. General GRUNERT. From a destroyed or captured submarine?

Mr. SHIVERS. Submarine; yes, sir.

51. General GRUNERT. And that was destroyed or captured on 7 December, do you know?

Mr. SHIVERS. Yes, sir.

52. General GRUNERT. In your deductions, you presumed then they kept these maps after they made a reconnaissance, and probably kept them too long, or did not expect to be captured; or, if they had all the information thereon, and it was gotten subsequent to the attack, or prior to the attack, then if they feared if they took any more action they might expect them to be destroyed or captured, they should have destroyed their maps; hence, would it be a reasonable deduction that [3216] this happened on 7 December, or shortly prior thereto?

Mr. SHIVERS. I think the reasonable deduction is that these submarines were supposed to have either been inside the harbor at the time of the attack or out sufficiently close so that they could observe the results of the attack, because that is provided for in this code, here. One of the code words reads "Tora," which would mean, "Surprise attack successful." Another is "Tsui," which would mean "Number enemy B (battleships seriously damaged)," and the other words which would indicate the extent of the damage that was done by the attacking planes, "enemy aircraft carriers, ships seriously damaged," "number of enemy cruisers, ships seriously damaged," "enemy ships sunk," and so forth.

53. General GRUNERT. Then if they had remained in the harbor, how could they have gotten this information to the task force without detection?

Mr. SHIVERS. I don't suppose they could have gotten it to the task force if they had remained in the harbor, without being detected, because certainly the harbor would have been blocked after the attack, and the only way they could have gotten that to the task force would have been to have surfaced and tried to get ashore.

54. General GRUNERT. In view of what happened, this information would not be of much value to the submarine, unless they got it to that attacking task force, would it?

Mr. SHIVERS. I wouldn't think so.

55. General GRUNERT. All right.

56. General RUSSELL. I am going into something else, now, as a finale. Is there anything that anybody wants to bring up on [3217] this?

57. General GRUNERT. I have a few questions on something, but you may cover it.

58. General RUSSELL. You are no longer with the FBI? -

Mr. SHIVERS. No, sir.

59. General RUSSELL. You had a number of years to observe the working of the plan by which the duties of the FBI, the Military Intelligence Division, and the ONI were all delineated by these agreements and whatnot?

Mr. SHIVERS. I was with the FBI for 23½ years.

60. General RUSSELL. And you were here on the island for some time?

Mr. SHIVERS. I was here from August 24, 1939, to May 6, 1943, in charge of the FBI office in Honolulu.

61. General RUSSELL. Is it your opinion that with the proper organization, properly guided, information and data were available here on the island which might have indicated the possibility or probability of Japanese attacks on the island?

Mr. SHIVERS. Will you repeat that?

62. General RUSSELL. Based on your experience, do you now think that data was available here on the island, if it could have been obtained, which would have indicated the probability or possibility of the Japanese attacks on the island, and about the time that they would be made? In other words, if we had had the proper agencies operating along independent lines, could we have discovered something here that would have given away the Japs' hand on this attack? That is the practical question.

Mr. SHIVERS. I don't think you would have discovered [3218] anything that would have indicated that the Japanese were going to attack Pearl Harbor. If we had been able to get the messages that were sent to Japan by the Japanese consul, we would have known, or we could have reasonably assumed, that the attack would come, somewhere, on December 7; because, if you recall, this system of signals that was devised by the Otto Kuhn for the Japanese consul general simply included the period from December 1 to December 6.

63. General RUSSELL. Suppose this submarine which went into Pearl Harbor and came out and prepared this map had been destroyed prior to December 7 and the map obtained, wouldn't that have been a rather fruitful source of information as to the possibility of an attack on Pearl Harbor?

Mr. SHIVERS. If this map could have been obtained any time before December 7, why, I certainly would think it would have been very indicative of that fact.

64. General RUSSELL. This final question: Based on your experience here and your observation of the functioning of this cooperative plan between the three agencies that we have described already, and having in mind the necessity for the development of "combat intelligence," to use a rough term, what would be your recommendation as to future procedure along that line here in the Territory of Hawaii?

Mr. SHIVERS. Well, I would prefer, sir, not to answer that question off-hand. I think that I would have to give it some thought.

65. General RUSSELL. That is all I have.

66. General GRUNERT. During your incumbency in the office of the FBI, here, did you have any information that might have [3219] been of value to the Army and the Navy, which you were not permitted to disclose to the Army or the Navy?

Mr. SHIVERS. On the contrary, sir, I was directed to furnish the Army and the Navy with any and all information that came into my possession; and I did.

67. General GRUNERT. As to the alleged or suspected Japanese agents that were functioning in and about the Island of Oahu, do you attach any importance to the fact that they were not prosecuted under the Alien Registration Act?

Mr. SHIVERS. You mean the consular agents?

68. General GRUNERT. Yes.

Mr. SHIVERS. Do I attach any importance to the fact, in the light of subsequent events?

69. General GRUNERT. Yes; and if they had been prosecuted, what would have been the result in the line of causing any particular danger to the war effort—exciting the public, or whatnot?

Mr. SHIVERS. Well, there are several schools of thought on that. My organization felt they should be prosecuted, and recommended their prosecution to the Attorney General.

70. General FRANK. Who stopped it?

Mr. SHIVERS. It was stopped by the War Department.

71. General GRUNERT. Did they advance any reason for their not concurring in your recommendation?

Mr. SHIVERS. They advanced the reasoning which General Short gave to the War Department for opposing their prosecution, and concurred in his recommendation.

72. General RUSSELL. All of that correspondence is in the files, here.

73. General GRUNERT. Do you think it had any effect on what [3220] happened, or would it have had any effect on what happened, if they had been prosecuted?

Mr. SHIVERS. I am satisfied the failure to prosecute had no effect whatsoever on what happened.

74. General GRUNERT. Now, going into a different field, did the FBI have any special means of communication with Washington that was faster in transmission than the Army or Navy or the RCA or other commercial lines?

Mr. SHIVERS. We did not have any faster means of transmission, I don't suppose. We had our own radio station.

[3221] 75. General GRUNERT. Approximately how long did it take you to get some of your messages through to Washington? Have you any estimate of that time?

Mr. SHIVERS. I would say within—depending on the length of the message; a 20-word message could be probably gotten to Washington by—could have gotten to the receiving station in Washington within a period of twenty minutes.

76. General GRUNERT. Were the channels jammed at any time? Was it better at night or day, early in the morning, late in the afternoon, or what?

Mr. SHIVERS. No, our channels were not jammed at any time.

77. General GRUNERT. What channels did you use? Your own radio?

Mr. SHIVERS. Our own radio, yes, sir.

78. General GRUNERT. And was most of your stuff coded?

Mr. SHIVERS. We used a frequency that was assigned to us by the F. C. C., and all of the—

79. General GRUNERT. What I mean, all of your stuff was sent in code?

Mr. SHIVERS. All of the stuff that went out from here to—that went out over that radio, was coded.

80. General GRUNERT. Do you know whether or not that was in working shape on the morning of December the 7th?

Mr. SHIVERS. It was, yes, sir.

81. General GRUNERT. And did you so use it?

Mr. SHIVERS. It was, yes, sir.

82. General GRUNERT. Then, any message that Washington wanted to get to you during that morning or just prior to the attack [3222] on that morning you think could have gotten to you within the leeway of an hour?

Mr. SHIVERS. The message could have been sent out within an hour, yes. Yes, sir.

83. General GRUNERT. Was there an interchange of those facilities between the Army and Navy and the F. B. I.? Could they use one another's equipment or frequency, or whatnot, if they so desired?

Mr. SHIVERS. There had been no provisions worked out for such, but I had understood that after the F. B. I. radio was put up here, that in the event of war the Army might want to use it, and there would have been no objections interposed.

84. General GRUNERT. But they hadn't used it up to that time?

Mr. SHIVERS. They had not, no, sir.

85. General GRUNERT. Nor had Washington used your facilities for either the Army or Navy?

Mr. SHIVERS. No, sir.

86. General GRUNERT. I have no other questions.

87. Major CLAUSEN. Mr. Shivers, you conducted, under your supervision, investigation of one Hans Wilhelm Rohl, did you, sir?

Mr. SHIVERS. Yes, sir.

88. Major CLAUSEN. By the way, were you in charge during the rendition of reports by Mr. John I. Condon commencing October 29, 1942, and down to April 3, 1944?

Mr. SHIVERS. I was not in charge after May 6, 1943.

89. Major CLAUSEN. I see. Well, now, I have here nine reports rendered by the F. B. I. at Honolulu, which include some that were rendered by Mr. Condon during the time that you were in [3223] charge. Do you know of any facts concerning this Hans Wilhelm Rohl, the subject of investigation, which would not be contained in these reports, Mr. Shivers?

Mr. SHIVERS. No, sir, I do not.

90. Major CLAUSEN. Do you know of any facts concerning the related subject of Colonel Theodore Wyman, Jr., that would not be in these reports?

Mr. SHIVERS. I don't know what is in those reports subsequent to the time I left here, but I am satisfied that I wouldn't know anything additional to what appears in the reports.

91. Major CLAUSEN. I have nothing further.

92. Colonel TOULMIN. I would like to ask him one question. What other means of communication did the Japanese consul have with the homeland and other than a telephone connection.

Mr. SHIVERS. He had commercial communication system.

93. Colonel TOULMIN. Did you have any opportunity of tapping the commercial lines or of securing any information off the commercial lines?

Mr. SHIVERS. Off of the lines themselves.

Colonel TOULMIN. Yes.

Mr. SHIVERS. No, sir.

95. Colonel TOULMIN. So that he did have a free, undisturbed communication over those lines?

Mr. SHIVERS. Yes, sir.

96. Colonel TOULMIN. That is all.

97. General GRUNERT. Mr. Shivers, do you think of anything else that hasn't been brought up that you think might be of assistance to this Board in carrying out its mission?

Mr. SHIVERS. No, sir, I don't, General.

[3224] 98. General GRUNERT. We thank you for coming.

Mr. SHIVERS. I would like to add one thing and make it distinctly understood that I did not present these maps and the information contained in them with any attempt to place the responsibility for what appears to me the maps indicate, on either the Navy or the Army. They were to some extent involuntarily produced, and I am satisfied the Navy has the originals of the maps, and certainly they have translated the information appearing on the maps, and I assume that that information will be made available to the Naval Board if they want it.

99. General RUSSELL. Probably this statement should be made on the record. I was advised by G-2 of the Department that these maps were in the possession of Mr. Shivers, and when I contacted him I insisted that he make them available to the Board. He did not volunteer, to voluntarily produce them; I discovered that he had them, and asked for them.

Mr. SHIVERS. Well, the Military Intelligence office here has known that we have had these maps ever since the day we got them, and as a matter of fact the maps were examined by Lieutenant Colonel George W. Bicknell, who was at that time Colonel Fielder's assistant, on the day the maps were turned over to us, which was sometime in January 1942.

Shall I ask for permission to file these maps with you?

100. General RUSSELL. I wish you would. Will they be delivered to us before we leave here, or will you want us to procure them from the office in Washington?

Mr. SHIVERS. I am satisfied that they can be made available to you within six hours.

[3225] 101. General RUSSELL. From now?

Mr. SHIVERS. Yes, sir.

102. General RUSSELL. We would appreciate it if you would.

Mr. SHIVERS. Will you be here tomorrow?

103. General GRUNERT. Yes.

104. General RUSSELL. Oh, yes, we shall be here tomorrow.

105. General GRUNERT. Thank you very much for coming. We appreciate your assistance.

(The witness was excused, with the usual admonition.)

(Whereupon, at 12:38 p. m., the Board, having concluded the hearing of witnesses for the morning, took up the consideration of other business.)

[3226]

AFTERNOON SESSION

(The Board, at 1 o'clock p. m., continued the hearing of witnesses.)

General GRUNERT. The Board will please come to order.

TESTIMONY OF MAJOR GEORGE ROBERT LUMSDEN, INSPECTOR GENERAL'S DEPARTMENT, CENTRAL PACIFIC BASE COMMAND, FORT SHAFTER, T. H.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Major, will you please state to the Board your name, rank, organization and station?

Major LUMSDEN. Major George R. Lumsden, Inspector General's Department, Central Pacific Base Command, Fort Shafter.

2. General GRUNERT. Major, General Frank, assisted by Major Clausen, will develop this part of the investigation, so I will turn it over to them.

3. Major CLAUSEN. Major Lumsden, your present assignment is in the office of the Inspector General?

Major LUMSDEN. Yes. I am the executive officer of the Base Command, Inspector General's office.

4. Major CLAUSEN. And you have been assigned to that office now and are on duty there for what period of time?

Major LUMSDEN. Since December 26th, 1941.

5. Major CLAUSEN. Did you at my request produce inspection reports from the official files of your office relating to the Hawaiian Constructors, Hans Wilhelm Rohl, Colonel Theodore Wyman and related subjects?

Major LUMSDEN. I did.

6. Major CLAUSEN. Are those reports represented by that stack sitting alongside your elbow?

[3227] Major LUMSDEN. This is the pile that I brought to you.

7. Major CLAUSEN. And you are able to give certain information as to some of those reports, some being those on which you worked and some being merely those of which you may have some information which has come to you since, from other sources; is that correct?

Major LUMSDEN. That is correct.

8. Major CLAUSEN. Those are all official records, are they?

Major LUMSDEN. They are.

9. Major CLAUSEN. Just indicate to the Board the one you hold in your hand, which you have just taken from the top.

Major LUMSDEN. This first report classified "SECRET" is the report of inspection of Station X, Christmas Island. The inspection date was the 27th to the 30th of January, 1942 and the inspecting officer was a member of the Corps of Engineers, Captain W. E. Wilhelm.

10. Major CLAUSEN. May I have it, please. I would like to read a portion of this for the record. This is the only one in which I am going to follow this practice, but I would like to read a portion of the report contained in the record referred to by the witness, which was submitted by Lieutenant Colonel Leard, I. G. D. Will you tell me who Lieutenant Colonel Leard was on the 19th of February, 1942?

Major LUMSDEN. As I recall, Colonel Leard was sent to our office on an attached basis, I believe, for a short period. I think he remained there perhaps from four to six weeks. Subsequent to that I believe he became post commander at Fort Shafter.

11. Major CLAUSEN. This is the portion that I am reading:

[3228] (Analysis of Report of Inspection of Station X, dated February 19, 1942, from the files of Fort Shafter Inspector General's Department, is as follows:)

19 FEBRUARY, 1942.

Memorandum for Colonel Lathe B. Row.

Subject: Analysis of Report of Inspection of Station X.

1. An analysis of the report of inspection of Station "X", made by Captain W. E. Wilhelm, C. E. shows:

a. That conditions at Station "X" are very bad.

b. That these conditions are entirely due to the fault of the District Engineer.

2. The following specific failures of the District Engineer are indicated:

a. Material for assembling various types of tanks were sent, but no hardware, valve fittings, etc.

b. A ship load of lumber was sent, but no door jambs, window jambs, door screens, etc.

c. Insufficient laundry facilities have been provided.

d. Insufficient motor transportation has been provided.

e. Insufficient heavy machinery has been provided.

f. Insufficient messing and cooking equipment has been provided for personnel.

g. Necessary quantities of asphalt, plumbing material, electrical material, hardware, sinks, showers, lights, fans, and furniture have not been provided.

[3229] 3. The following conditions have been permitted to exist without apparent remedial action:

a. Sanitary conditions are very bad.

b. No effort has been made to provide adequate living conditions for personnel.

c. Apparently no effort has been made to provide recreation and comforts.

d. The Navy has been permitted to take over Pan-Air facilities and Hotel, and the engineers operate a mess for the Navy and perform all their chores.

e. The medical officer has not been required to fully perform his duties.

4. The following indicates that the work of the engineers has not been satisfactory:

a. Too much time is required for the construction of runways.

b. Runways and bays are not properly completed.

c. Radio equipment is left unpacked and untried, and some equipment is out of order.

d. One laundry is not in operating condition.

e. No effort has been made to provide the work camp with water.

f. No apparent effort has been made to utilize the filters and purifying apparatus of the Pan-Air Station.

5. The above résumé taken from the report submitted by Captain Wilhelm to the office of the District Engineer indicates that a very bad state of affairs exists at Station X, and that this state of affairs can be attributed [3230] only to lack of proper supervision and competent personnel from the office of the District Engineer.

E. W. LEARD,
Lt. Col. I. G. D.

What was Station X, Major Lumsden?

Major LUMSDEN. I assume it was Christmas Island from the notation on the fact of the report.

12. Major CLAUSEN. And who was Colonel Lathe B. Row on the 19th of February, 1942?

Major LUMSDEN. Colonel Lathe B. Row was the Inspector General of the Hawaiian Department at that time.

13. Major CLAUSEN. And who was the District Engineer on that date?

Major LUMSDEN. The District Engineer was Colonel Wyman.

14. Major CLAUSEN. Theodore Wyman, Junior?

Major LUMSDEN. Theodore Wyman, Junior.

15. Major CLAUSEN. Now, will you take the next report and tell me what that is?

16. General GRUNERT. Just a minute. Was the Commanding Officer responsible, or the District Engineer, who apparently is alleged to be responsible for those conditions? Did he have a chance to reply to this sort of accusation about inefficiency and so forth?

Major LUMSDEN. Sir, I have no record or any knowledge of what happened to that particular report.

17. General GRUNERT. Is not that the usual case of an inspector's report, that it goes to the man in question, who explains why and tells them what has taken place to remedy things?

Major LUMSDEN. Yes, sir; that is true.

[3231] 18. General GRUNERT. But you do not know if that record shows that that went to Colonel Wyman and his answer to these things appears therein?

Major LUMSDEN. No, sir, there is no indorsement on that record to show that Colonel Wyman replied, sir, to the basic communication of Colonel Leard.

19. General GRUNERT. Do you know whether or not Colonel Wyman was acquainted with the things found and did he have recourse of any kind?

Major LUMSDEN. His own officer, Captain Wilhelm, made the inspection, and I presume that that inspection report was first given to Colonel Wyman, since it was one of his own men. I presume he was a Corps of Engineers officer who made the report.

20. General GRUNERT. But you do not know?

Major LUMSDEN. No, sir, I do not know. May I clarify that, sir? Captain Wilhelm, later Major Wilhelm, remained with the District Engineers' headquarters. That is why I cannot understand just how that report first came out, what record, because I am certain at that time he was one of Colonel Wyman's own officers.

21. General GRUNERT. It seems strange to me that an accusation or an indictment of that sort should be contained in the record without any comeback from the man who is indicted. As far as that record shows there was no comeback from Wyman, and nobody appears to know whether he knows anything about that particular report.

Major LUMSDEN. Yes, sir; that was completely unfamiliar to me. I merely got it from the records.

22. Major CLAUSEN. Sir, the evidence before the Board already [3232] contains evidence by Colonel Row to the effect that he did make inspections and present them to Colonel Wyman, and Colonel Wyman promised to make corrections of irregularities and deficiencies. That report was the report produced before the Board at San Francisco.

23. General GRUNERT. But you do not know whether Colonel Row referred to this particular report?

24. Major CLAUSEN. No, sir. He suggested, sir, if you recall, that he did not have the reports there, that we could get them at Honolulu. So I have asked Major Lumsden to bring over to the Board whatever reports he had. These are now the reports we are having presented.

25. General RUSSELL. This file appears to me to be a lot of statements of fact, opinion, or whatnot, over the signature of a Captain Wilhelm, and Colonel Leard has taken that and digested it.

Major LUMSDEN. Yes, sir, I believe that is right.

26. General RUSSELL. Leard did not go down there and make these inspections at all?

Major LUMSDEN. To my knowledge, sir, he did not leave on any trips during the short stay he had with us.

27. General RUSSELL. As I recall, Leard is the man who made some inspection of the operation here on the island.

28. Major CLAUSEN. Yes, sir, I think he made the inspection of February 14th, 1942.

May I suggest to the Board that I mark this Lumsden A and I will mark the others with the succeeding alphabetical letters.

What is the next report you hold in your hands, Major?

Major LUMSDEN. The next one is a confidential report, which

[3233] is a memorandum dated 14 February, 1942, to the Chief of Staff from Colonel Lathe B. Row, I. G. D., Department Inspector General on that date.

29. Major CLAUSEN. Could you tell the Board exactly what you recall concerning the circumstances of the rendition of that report?

Major LUMSDEN. There is very little that I personally know of it, except that I do recall Colonel Row calling us in the office, in his office, and the matter appeared quite important to him, because he made a list of the number of copies of the report that was typed and made an inquiry around the office to ascertain whether there were any loose copies about, and when he had us in his office he discussed this report which was made by Colonel Leard, and then the report, as I recall, was personally taken by Colonel Row to the Chief of Staff; possibly he saw General Emmons on that occasion.

30. Major CLAUSEN. For the record, that is a report which was introduced in evidence at San Francisco, copy of which was set forth in the F. B. I. file, which I have authenticated with the evidence of Colonel Row.

31. General GRUNERT. That does not identify it to me. What is it about?

32. Major CLAUSEN. Shall I read it?

33. General GRUNERT. I want the gist of it.

34. Major CLAUSEN. The gist of it was highly derogatory to Colonel Wyman. It stated some conditions that existed with respect to his office and wound up by recommending that Colonel Wyman be relieved as District Engineer at once.

35. General GRUNERT. I recall it now.

[3234] 36. Major CLAUSEN. And coincident, sir, with the date of this report, which is February 14th, 1942, the Board may recall a letter was introduced in evidence, bearing the same date, from Colonel Lyman to the Chief of Engineers as suggesting that Colonel Wyman be relieved. That letter was then followed by a subsequent letter to the same effect, but in more affirmative language.

If the Board has no objection I will mark this Lumsden B.

[3235] 37. Major CLAUSEN. What is the next report, sir?

Major LUMSDEN. This next is a compilation of all matters pertaining to the Engineers and Hawaiian Constructors which we had in our files shortly before the departure of Colonel Row in March of 1943 from this area. I compiled these data for Colonel Row at his request.

38. Major CLAUSEN. That was compiled under your supervision, was it?

Major LUMSDEN. Yes, it was. In fact, I think I did it, all of it.

39. Major CLAUSEN. May I have it, please? I will mark this volume Lumsden C.

40. General FRANK. What about it?

41. Major CLAUSEN. It is a compilation of various data that is from the I. G. office, that I haven't had a chance to read.

Now, what is the next report that you have there, sir?

Major LUMSDEN. This report is entitled, "Transfer of activities from the CQM to USED, request for Inspector General."

42. Major CLAUSEN. Did you have anything to do with that, Major Lumsden?

Major LUMSDEN. I did not.

43. Major CLAUSEN. I will mark that Lumsden D.

Tell me what the next report is, Major.

Major LUMSDEN. This next is a confidential file: "Correspondence and papers relating to report of investigation of construction activities, Hawaiian Department, made by Colonel John E. Hunt, IGD, Office of the Inspector General, Washington, D. C., relative to activities of Colonel Theodore Wyman, Jr., CE, formerly District Engineer, Hawaiian Department."

[3236] 44. Major CLAUSEN. And did you have anything to do with that, Major?

Major LUMSDEN. I gave Colonel Hunt several bits of information during his stay here while he was conducting the investigation. Colonel Hunt saw several of our reports.

45. Major CLAUSEN. You also, did you not, in addition to assisting Colonel Hunt, assisted the local Bureau of Investigation, Federal Bureau of Investigation, in some of their activities and reports on these same subjects.

Major LUMSDEN. I did.

46. Major CLAUSEN. May I have that, please? I will mark that Lumsden E.

Will you take the next and explain what that is?

Major LUMSDEN. This next is a report of investigation and allied papers, the subject of the investigation being, "Report of investigation of allegations charging slow-down on defense construction work performed by the USED." The date of the investigation report is 18 November 1942. It was addressed to the Commanding General, Hawaiian Department, Fort Shafter, T. H. It was made by Lieutenant Colonel Edward H. O'Rourke, IGD, then Assistant Department Inspector General.

47. Major CLAUSEN. I will mark that Lumsden F.

And explain what the next one is, please.

Major LUMSDEN. This next file is titled, "Investigation of accounts of Zone Constructing Quartermaster, Hawaii, and the Office of the District Engineer, Honolulu, T. H." Also appearing on the cover of this report or this file is, "Complaint of Lieutenant Colonel C. J. Harold, QMC."

48. Major CLAUSEN. Did you have anything to do with that, Major?

[3237] Major LUMSDEN. I did not.

49. Major CLAUSEN. May I have it, please? And I will mark that Lumsden G.

Will you explain what the next one is, please?

Major LUMSDEN. This next is sworn testimony of Clinton J. Harold, Lieutenant Colonel, Quartermaster Corps, and I believe is testimony which is also in the file just previously handed to you.

50. Major CLAUSEN. Did you have anything to do with this?

Major LUMSDEN. I did not.

51. Major CLAUSEN. I will mark it Lumsden H.

Explain what the next one is, please.

Major LUMSDEN. This next file I believe is a copy of the one I previously handed to you, which was the report of investigation into the allegations charging slow-down of defense construction work

performed by the USED, which investigation was made by Lieutenant Colonel O'Rourke, IGD.

52. Major CLAUSEN. If that is a copy, just put that to one side, and we won't put that in the record.

Did you have anything to do with that inspection?

Major LUMSDEN. I did not.

53. Major CLAUSEN. All right. Will you explain what the next one is?

Major LUMSDEN. This is a copy [indicating]. This next file is titled, "Investigation relative to Mr. H. W. Rohl, member of joint venture as contractor for Hawaiian Constructors, Honolulu," and there are allied papers appended to it.

54. Major CLAUSEN. Did you have anything to do with that investigation, Major?

[3238] Major LUMSDEN. I did.

55. Major CLAUSEN. Explain to the Board what part you played in the preparation of the report and also the investigation.

Major LUMSDEN. May I clarify that? As far as investigation concerning Mr. Rohl, I assisted in securing data pertaining to the sale of his equipment to the Government while he was a member of Hawaiian Constructors. That is the extent—and also one other investigation wherein certain members of Hawaiian Constructors and the USED secured Government gasoline for their own private vehicles. This report that I have just mentioned consists of a letter from Lieutenant Colonel H. B. Nurse, Corps of Engineers, dated April 2, 1942, wherein Colonel Nurse transmitted certain copies of correspondence which I had requested of him, in the District Engineer's office. This correspondence consisted of—do you want all that? Would you like all of that, Major?

56. Major CLAUSEN. You might briefly just state to the Board what it consists of.

Major LUMSDEN. It consisted of a letter or several letters pertaining to the status of citizenship of Mr. H. W. Rohl.

57. Major CLAUSEN. May I have that, please? I will mark this Lumsden I.

Would you explain what the next report is, please?

Major LUMSDEN. This next file is an additional copy of testimony of Colonel Harold.

58. Major CLAUSEN. Well, if we already have it, just put it to one side.

Major LUMSDEN. I don't have to state it?

[3239] 59. Major CLAUSEN. No, sir.

Major LUMSDEN. This next file pertains to the Precision Grinding case.

60. Major CLAUSEN. Tell the Board, in a few words, if you had anything to do with that and, if so, just what you know about that case.

Major LUMSDEN. I recall its being discussed in the office, but I don't recall any positive action being taken. I believe the F. B. I. had something to do with this inasmuch as there is a letter in this file dated 9 July 1943 to Colonel Millard Pierson, Department Inspector General, Fort Shafter, Oahu, T. H., from Mr. J. E. Thornton, Special Agent in charge of the local office of the Federal Bureau of Investigation.

61. Major CLAUSEN. What was the controversy there? What was the point involved, Major?

Major LUMSDEN. The point involved, as I recall it, was that the Engineers paid far too much for this business. There were several appraisals made. One was exceedingly low, which was made by Mr. Mahoney, who was still affiliated with the USED as a shop superintendent. The whole question involved the price that the USED was paying for this.

62. Major CLAUSEN. Paying whom, Major?

Major LUMSDEN. Paying the owners of the business, the president and director of which was Mr. Henry H. Gaylord of Honolulu.

63. Major CLAUSEN. May I have it, please? I will mark that Lumsden J.

Tell the Board what the next file is, please.

[3240] Major LUMSDEN. This next file pertains to the reported questionable business practices of Mr. Harry A. Hart and contains a newspaper clipping from the Honolulu Advertiser dated 12 February 1942, the title of the clipping being "Fraudulent Pay Claim Charged."

64. Major CLAUSEN. May I have that, please? I will mark that Lumsden K.

What is the next file?

Major LUMSDEN. This next file is titled, "Report of investigation of employee's complaint, 13th field area," and in parentheses, "Mr. Fred M. Lewis."

65. Major CLAUSEN. Did you have anything to do with that, Major?

Major LUMSDEN. I had nothing to do with this.

66. Major CLAUSEN. May I have it, please? Mark that Lumsden L. Tell the Board what the next one is, please.

Major LUMSDEN. This next file contains data pertaining to the complaints of a Mr. John H. Paluszak who, at the time he made the complaint, was a civil service employee of the District Engineer. I know nothing of the circumstances surrounding this complaint.

67. Major CLAUSEN. May I have that, please? I will mark this Lumsden M.

Tell the Board about the next one.

Major LUMSDEN. This next is a special report on the Pleasanton Hotel, Honolulu, T. H. The report is dated 7 January 1943. It was addressed to the Commanding General, Hawaiian Department, Fort Shafter, T. H., through the District [3241] Engineer and Hawaiian Constructors, Punahou Campus, Honolulu, T. H.

68. Major CLAUSEN. In a few words, Major, what was the point of that investigation concerning the Pleasanton Hotel?

Major LUMSDEN. There had been much discussion as to the need for the continued lease of this hotel. We had made several preliminary inspections, the first of which, soon after the hotel was occupied by Engineer and Hawaiian Constructor personnel, revealed the hotel to be operating at a decided loss, and it appeared at that time that it was unnecessary, as the main occupants were Colonel Wyman and his wife, and several other officers and their wives and families.

69. Major CLAUSEN. Mr. Rohl? Do you remember?

Major LUMSDEN. I remember later, and perhaps it was at this time, when Mr. Rohl had his name on the hotel list as having six rooms.

70. Major CLAUSEN. May I have that report, please? Mark it Lumsden N.

Tell the Board, please, what the next is.

Let me first ask you, though, whether you had anything to do with this investigation of the Pleasanton Hotel.

Major LUMSDEN. I believe I made that one.

This next file contains miscellaneous complaints and investigations. It is File No. IG 333.5.

Is that all?

71. Major CLAUSEN. Did you have anything to do with the complaints that refer to any of the matters that we are investigating?

Major LUMSDEN. I don't believe there would be anything [3242] in here that I had to do with that would assist you.

72. Major CLAUSEN. All right. May I have that, please? I will mark that Lumsden O.

What is the next, please?

Major LUMSDEN. The next is entitled, "Report of investigation re irregularities in office of 14th Field Area, USED, Pearl City, T. H., 23 May 1942."

73. Major CLAUSEN. Did you have anything to do with that, Major?

Major LUMSDEN. I had nothing to do with this particular transaction.

74. Major CLAUSEN. May I have it, please? Mark that Lumsden P.

Major LUMSDEN. This next file is a report of an investigating officer appointed to investigate lost secret drawings at Hilo, Hawaii.

75. Major CLAUSEN. Did you have anything to do with that?

Major LUMSDEN. I had nothing to do with this.

76. Major CLAUSEN. Let me have that, please. Mark that Lumsden Q.

Explain what the next is, please.

Major LUMSDEN. This next file contains reports of inspection made by the Inspector General's Department in this area for the fiscal year 1942.

77. Major CLAUSEN. Fiscal year 1942 covers what period, Major?

Major LUMSDEN. From 1941, July, to June 30, 1942.

78. Major CLAUSEN. And did you have something to do with those inspections?

[3243] Major LUMSDEN. I see here that several of my inspections are contained in this file, one of them being the report of annual general inspection of the transportation section, USED; another one the report of annual general inspection of the reproduction plant, USED, and a special report of the District Engineer's real estate section. The other officers listed on this index to this file, and who made the reports, are 1st Lieutenant Elmer Cook, Lieutenant Colonel E. B. Whisner, Colonel Row, Lieutenant Colonel Millard Pierson, Captain A. G. Fisher, and Lieutenant Colonel H. F. Newell.

79. Major CLAUSEN. Mark that Lumsden R.

Tell the Board what the next is, please.

Major LUMSDEN. The next file is a report of investigation relative to the illegal issue of gasoline by Hawaiian Constructors. The report of investigation dated 3 May 1942 was addressed to the Commanding General, Hawaiian Department.

80. Major CLAUSEN. Did you have anything to do with that, Major?

Major LUMSDEN. I materially assisted Lieutenant Colonel Newell with this investigation.

81. Major CLAUSEN. May I have that, please? Mark that Lumsden S.

Tell the Board what the next is, please.

Major LUMSDEN. This next file is titled, "Alleged improper conduct of a Government employee by misappropriation of meal tickets." It is a report of investigation dated 2 August 1942, to the Commanding General, Hawaiian Department, Fort Shafter, T. H. The investigation was conducted by Edward H. O'Rourke, Lieutenant Colonel, IGD, and was based on [3244] a memorandum from me to the Inspector General, Headquarters, Hawaiian Department.

82. Major CLAUSEN. May I have that, please? I will mark this Lumsden T.

Will you tell the Board what the next is?

Major LUMSDEN. The next file is a report—is relative to the use of passenger cars by the Area Engineer on the Island of Hawaii.

83. Major CLAUSEN. Did you make that or have anything to do with the report?

Major LUMSDEN. I had nothing to do with this.

84. Major CLAUSEN. May I have it, please? I will mark it Lumsden U.

Tell the Board, please, what the next is.

Major LUMSDEN. The next document I have appears to be a letter to Hawaiian Constructors from J. Russell Cades of the law firm of Smith, Wild, Beebe & Cades, who was justifying the pay he received from the Government for the lost services he rendered Hawaiian Constructors.

85. Major CLAUSEN. May I have that, please? I will mark that Lumsden V.

What is the next, Major Lumsden?

860. Major CLAUSEN. From whom is the letter, Major?

Major LUMSDEN. This next document appears to be another letter to Hawaiian Constructors setting forth the exact amount of time applied to duties with Hawaiian Constructors.

Major LUMSDEN. From Mr. J. Russell Cades of Smith, Wild, Beebe & Cades.

87. Major CLAUSEN. All right. I will attach that to Lumsden V. [3245] What is the next folder you have there?

Major LUMSDEN. The next folder is entitled, "Routing slip endorsement relative to change in procedure in approving construction contract and changes thereto."

88. Major CLAUSEN. Did you have anything to do with that?

Major LUMSDEN. I had nothing to do with it.

89. Major CLAUSEN. I shall mark that Lumsden W.

What is the next, please?

Major LUMSDEN. The next is entitled, "City and County contract," and appears to be a contract entered into by the City and County of Honolulu with the U. S. Department Engineer Office, Honolulu, T. H.

90. Major CLAUSEN. I will mark that Lumsden X.

What is the next folder, please?

Major LUMSDEN. The next folder contains testimony of Robert J. Fleming, Jr., Major, GSC, Corps of Engineers.

91. Major CLAUSEN. Did you have anything to do with getting that?

Major LUMSDEN. I had nothing to do with this. Also included in this folder is district circular No. 104, the United States Engineer Office, Honolulu, T. H., appended to which is a letter the subject of which is authorizations for emergency projects, which was signed by Walter C. Short, Major General, U. S. Army, then Commanding General of the Hawaiian Department. Also appended to the first letter of General Short is a second one with the same subject. Both letters are addressed to the District Engineer, United States Engineer Office, Honolulu, T. H.

92. Major CLAUSEN. I will mark that Lumsden Y.

[3246] What is the next folder, Major?

Major LUMSDEN. It is another one of those duplicates.

93. Major CLAUSEN. Just put that to one side, then. What is the next folder?

Major LUMSDEN. The next folder is titled, "Payment of salaries to administrative personnel of Hawaiian Constructors by the USED."

94. Major CLAUSEN. Did you have anything to do with its preparation?

Major LUMSDEN. I believe I was in on several discussions concerning whether or not the local office of the Hawaiian Constructors was a branch office of the parent concern on the mainland. I did not write any of the notes in that folder.

95. Major CLAUSEN. I will mark this Lumsden Z.

What is the next folder, please?

Major LUMSDEN. The next folder is entitled, "Complaints by employees of the Hawaiian Constructors."

96. Major CLAUSEN. Did you have anything to do with its preparation?

Major LUMSDEN. I had nothing to do with that.

97. Major CLAUSEN. I will mark that Lumsden AA.

What is the next one, please?

Major LUMSDEN. The next folder is entitled, "Report of investigation from contact office, Honolulu, relative to conditions in Hawaii with reference to Government contractors, Big Five Naval Contractors; Thomas L. Fowler, complainant." I had nothing to do with the material in this folder.

98. Major CLAUSEN. I will mark that Lumsden BB.

What is the next, please?

[3247] Major LUMSDEN. The next one is entitled, "Conduct of employers, Hawaiian Constructors." I had nothing to do with the material in this folder.

99. Major CLAUSEN. I will mark that Lumsden CC.

What is the next, please?

Major LUMSDEN. The next file is a special report on the Department Engineer's 4th Field Area, Waimea, Kauai, T. H.

100. Major CLAUSEN. Did you have anything to do with that?

Major LUMSDEN. I did not.

101. Major CLAUSEN. I will mark that Lumsden DD.

Major LUMSDEN. This is a duplicate, Kauai.

102. Major CLAUSEN. All right.

Major LUMSDEN. The next folder contains information relative to the inspection of priority work being performed at Kaneohe Bay area and Kuhuku under the supervision of the District Engineer.

Inspection conducted by the Department Inspector General on 14, 15 December 1941.

103. Major CLAUSEN. May I have that, please? Did you have anything to do with this?

Major LUMSDEN. I did not.

104. Major CLAUSEN. I will mark that Lumsden EE.

Major LUMSDEN. The next file contains the complaint of Mr. Robert Hoffman, who was, at the time he made the complaint, an area superintendent on the pay roll of Hawaiian Constructors.

105. Major CLAUSEN. I will mark that Lumsden FF.

Did you have anything to do with that?

Major LUMSDEN. I did not.

106. Major CLAUSEN. What is the next, please?

Major LUMSDEN. The next contains the report of informal [3248] investigation relative to the absence of Major J. A. Ostrand, Corps of Engineers, from Christmas Island.

107. Major CLAUSEN. Did you have anything to do with the preparation of that?

Major LUMSDEN. I did not.

108. Major CLAUSEN. I will mark that Lumsden GG.

What is the next, please?

Major LUMSDEN. The next is a compilation of notes which I personally made and which is not included in the official files of our section. This is a bunch of notes which I retained for my own personal file, pertaining to the sale to the Government of Rohl-Connolly Company equipment. I assisted the Federal Bureau of Investigation in obtaining certain data pertaining to this transaction.

109. Major CLAUSEN. Is that the report that involves Mr. Parker as an appraiser? Maurice Parker? Do you recall?

Major LUMSDEN. I believe that is the report.

110. Major CLAUSEN. All right. We will mark this Lumsden HH.

Do you have any more, sir?

Major LUMSDEN. This one is District Engineer classified documents. I don't know whether you want that or not. It is just a list of—it may assist you in knowing the type of work they had.

111. Major CLAUSEN. Well, just let me have it, then, and I will mark that Lumsden II.

Major LUMSDEN. And these are copies (indicating).

112. Major CLAUSEN. Major, were you at my request asked to ascertain the basis of a report which the Board received that Colonel Wyman in the spring of 1942 was supposed to have stated, [3249] in the presence of three other officers, after an evening of drinking.

There are probably a great many things that I have done during my life that are not exactly right, but there is one thing I have not done and that is to sell out my country the way that s. o. b. Rohl did to his German friends. I should never have trusted him, and what I should do now is to take this service revolver, go out and shoot him, and then blow my own brains out.

Did you ever find any records concerning that statement?

Major LUMSDEN. I did not.

113. Major CLAUSEN. Now, you told me something about the Moana Hotel. Did you have reports concerning the Moana Hotel and drinking by Colonel Wyman?

Major LUMSDEN. There was much hearsay about the campus at Punahou which came to my attention to the effect that Mr. Rohl,

who maintained, as I am told, an apartment at the Moana Hotel in addition to his room at the Pleasanton Hotel, had frequent parties where he became quite intoxicated, and it was also rumored that Colonel Wyman occasionally attended those parties.

[3250] 114. Major CLAUSEN. Do you know anything concerning the letter that was sent from Colonel Lyman, dated February 14, 1942, to General Reybold, suggesting that Colonel Wyman be relieved?

Major LUMSDEN. I know nothing of that letter.

115. Major CLAUSEN. That is all.

116. General GRUNERT. Major, have you anything else that you think would be of value to the Board in its determination or conclusions, as to its mission? Is there anything else you want to tell the Board?

Major LUMSDEN. Sir, I have nothing.

117. General GRUNERT. Thank you very much.

Major LUMSDEN. Thank you, sir.

(The witness was excused, with the usual admonition.)

TESTIMONY OF ANGUS M. TAYLOR, JUNIOR, CAPTAIN, COAST ARTILLERY

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Captain, will you please state to the Board your name, rank, organization, and station.

Captain TAYLOR. Angus M. Taylor, Junior; Captain, Coast Artillery; and I am presently stationed at the Office of Internal Security, in Honolulu, T. H., as part of the Pacific Ocean Area Staff.

2. General GRUNERT. Captain, I am going to turn you over to General Russell, who has this particular, special part of the investigation, that we think you may be able to offer some facts on, or leads to facts, to the Board.

Captain TAYLOR. Very well, sir.

3. General GRUNERT. General Russell.

[3251] 4. General RUSSELL. Captain, we have just discussed your testimony before the Roberts Commission, and attempted to bring the material parts of it in line with present-day conditions, is that true?

Captain TAYLOR. That is correct, sir.

5. General RUSSELL. In that conversation, you stated to me that in your opinion the prosecution or failure to prosecute the consular agents played no part in what happened here on December 7, 1941?

Captain TAYLOR. That is correct, sir; and may I make one additional statement?

6. General RUSSELL. Yes.

Captain TAYLOR. That we did not have those facts available on December 7 or immediately subsequent to that time; only a few of those consular agents had been investigated, so that the remaining number were unknown quantities, and their loyalty was also unknown. We didn't know to what extent they had engaged in activities for the consul.

7. General RUSSELL. That is, subsequent investigations convinced you that the activities of this large number of consular agents, in so far as they related to military operations, were harmless?

Captain TAYLOR. That is correct, sir. With the exception of one, there was nothing found to indicate that any of these 234 sub-consular-agents had collected any data that had even tended to relate to military activities or naval activities in the territory.

8. General RUSSELL. Now, in your testimony before the Roberts Commission, as I recall, there was some rather pointed criticism of the then cooperative plan existing between the FBI, the ONI, [3252] and the MID. Have you had occasion to observe the functioning of those agencies since that time?

Captain TAYLOR. I have, General; and up until September 16, 1943, I was the United States Attorney for the District of Hawaii and was closely connected with the district intelligence office of the Navy, the G-2 counter-intelligence office, working out there, and the FBI, that was working in a limited capacity as far as investigative work was concerned. They were assisting him more or less after February or March 1942.

9. General RUSSELL. Have you any suggestions to make as to the plan which should be in effect here, which would have for its purpose obtaining combat information?

Captain TAYLOR. Well, I don't know just to what extent we would be able to collect—that is, when I say “we,” any of the agencies—would be able to collect combat information, but in counter-intelligence work in the territory, I think it is only basic and sound that one organization should be the central clearing house for all information, and the main responsibility put on the head of that organization, so that there would not be a duplication of effort, and so that if anything were in the air it would be known by all agencies and could be worked out.

We should not have to stop because something was committed on the naval reserve or a military reserve or down-town, or be limited in any way; and we had peculiar things happening back in the old days, because the Navy would investigate their difficulties within the yard and handle Japanese suspects in the yard and outside, the Army would handle their own personnel and certain problems, the FBI at first were not equipped, in 1939 and 1940. Later on them became equipped, and assumed, if they were not designated, the principal agency as far as [3253] espionage and sabotage work is concerned.

10. General RUSSELL. What do you think of a civil agency and its equipment to collect information for the Navy or the Army, without the immediate supervision of military or naval personnel?

Captain TAYLOR. Well, it is a very difficult question to answer, General; but I will endeavor to do it, because it covers an enormous field. I might go back. When I first came to Honolulu in 1935, I was with the FBI, and in those days the district intelligence officer of the Navy was one commander and a yeoman, and the G-2 office, in those days General Patton was over here as G-2. Colonel Patton was G-2, and I think he had two officers and three or four enlisted men, and naturally they leaned toward the civil agencies, that had already gone into the field of fingerprinting, crime detection, and preventing crime, and other scientific methods of handling things. They wanted that background, so they would lean on the civilian agencies, and as we come along we find that even up as late as 1939 and 1940, the naval and Army investigative agencies were in serious cases leaning on a civil agency which had a great deal more experience, although the Army

and the Navy both at that time were enlarging their investigative personnel, and establishing sound, experienced men in positions to carry on investigative work, but whether or not a civilian investigative outfit similar to the FBI should function independently of the Army or Navy in an area, and especially a theater of war—well, there is certainly a great question in my mind.

As I remember it, early in March 1942, under a state of martial law, and after we were well in the war, here, the FBI was relieved of all responsibility; that is, of being the main [3254] organization to handle espionage, sabotage, and related investigations; and it was put on the Army and Navy, and they were assisted by the FBI, but only in that manner.

11. General RUSSELL. General Grunert, I think those are the only subjects that the Captain and I agreed would be material for us to discuss at this time, unless some other Members of the Board have questions on something.

12. General GRUNERT. I have one or two. Referring to this lack of prosecution of these Japanese agents for failure to register under the Alien Registration Act, was any of that due to politics or so-called "diplomacy"?

Captain TAYLOR. I think it would be well—and probably it never did get in the Roberts Commission record—to tell this Board just how the thing terminated.

13. General GRUNERT. Good. Go ahead.

Captain TAYLOR. And it was not because of General Short's recommendation solely that these sub consular agents were not prosecuted, but it was bickered back and forth, and it is true that General Short did make a recommendation against prosecution, because it was inconsistent with his propaganda program that was then under way to win over the Japanese—a kind of an Americanization program in the territory—but when the General, through the Secretary of War, advised the Attorney General of the United States that he would recommend strongly against prosecution of these sub consular agents and recommended a warning, the Department of Justice then wrote to me and suggested four or five different ways that they might be handled. Among the ways that they might be handled was, that no action be taken at this particular time, no warning be [3255] given, and that we make further investigations to determine whether or not there were any more serious crimes connected with their activities which we didn't know at that time. As I have already testified, that seemed to appeal to me more than any of the rest of the suggested plans. Some of the other plans were, to give them a warning, on 30 days, to register; if they didn't, at that time, to prosecute them; and other plans; so that was along in October.

In view of the seriousness of the whole situation then in existence in the Pacific I asked the Attorney General if I might come to Washington and discuss the matter with him, and when the war broke out on the 7th, the matter was still being held in abeyance by the Department of Justice and by my office and the criminal division of the Department of Justice, and it was out of the hands—true, there was a recommendation against prosecution, by the War Department, but had the Department of Justice decided to go ahead, even over the objections of the Secretary of War, it could have been done. It was not done,

but on the 7th of December this was being held in abeyance, due to departmental desires of the Department of Justice.

14. General GRUNERT. You do not know whether there was any request on the part of the State Department to hold that in abeyance, to avoid any controversy, or any ill feeling on the part of the Japanese?

Captain TAYLOR. I do, sir. When I originally made my recommendation that these sub consular agents be prosecuted, I made it contingent on the approval of the State Department, and inquiries were made in early June 1941 of the State Department as to whether or not they had any objection to a prosecution [3256] and second, whether or not any of these men had been notified to the Secretary of State by the consul general of the empire of Japan at Honolulu, and he replied that they had not, and that he had no objection, it would not conflict with any policies or plans of the Department of State, and so we readily had the "green light" to go ahead, except over the objection of the War Department, and it was the Department of Justice's own decision to hold them in abeyance and complete the investigation of all the sub consular agents prior to making its final decision as to whether or not prosecution would be instituted.

15. General GRUNERT. Have you knowledge of any facts or any leads to facts that may be of assistance to the Board. I will read to you a statement of our mission, so you can judge whether or not you have any. We are here to ascertain and report on the facts relating to the attack made by the Japanese armed forces upon the Territory of Hawaii on the 7th of December 1941, and in addition thereto, to consider phases which related to the Pearl Harbor disaster, of the report made by the House Military Affairs Committee. The latter concerns itself more with the question of the conduct of certain individuals, and construction, over here.

Now, knowing what our mission is, have you, of your own knowledge, any facts, or any leads to facts, that you think might be of assistance to the Board?

Captain TAYLOR. The only thing, sir, that I would like to state is this—that in my official capacity as United States Attorney, it was my duty to confer with high officials of the Army and the Navy, during the year 1941, prior to the [3257] war, and I found that the relationship between the two was very cordial. We had condemnation suits and other matters of mutual interest that came up from time to time, and the conferences on this particular matter we have just been discussing—that is, whether or not the consular agents should be prosecuted or not—I had the pleasure of going out and talking with General Short and talking with his Chief of Staff of Military Intelligence, talked with Captain Mayfield, and they were friendly relations. We sat down together, and there was nothing strained, everything was friendly and cordial, and when there was something to get done, or to be attended to, I saw nothing that led me to feel that there was not perfect cooperation between the forces at that time, although I was not too closely related.

16. General GRUNERT. Now, aside from the cordiality and the good feeling, and so forth, was this cooperation effective?

Captain TAYLOR. Well, that I cannot say, sir, because as far as I was concerned, the condemnation suits, acquiring land for the official use of the Army and the Navy, is where I came in contact with

them to the largest extent, and I might say, from that standpoint, was effective; from a military standpoint, that is, from a defense standpoint, a tactical standpoint, I cannot, because I was not acquainted with the work at that time.

17. General GRUNERT. Is there anything else in the back of your mind?

Captain TAYLOR. No, sir; I have nothing else that I would like to say.

18. General GRUNERT. Thank you very much for coming.

Captain TAYLOR. Thank you, sir.

(The witness was excused, with the usual admonition.)

(Brief recess.)

[3258] **TESTIMONY OF PHILIP CHEW CHUN, 1453 ALANCASTER STREET, HONOLULU, TERRITORY OF HAWAII**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Chew Chun, will you please state to the Board your name and address?

Mr. CHUN. My name is Philip Chun, address 1453 Alancaster Street, Honolulu.

2. Colonel WEST. What is your occupation, Mr. Chun?

Mr. CHUN. I am at present in business for myself.

3. General GRUNERT. Mr. Chun, this particular part of our investigation will be conducted by the Assistant Recorder, Major Clausen, so you answer his questions and if we have any more we will propound them later on.

4. Major CLAUSEN. Your name is Philip Chew Chun, is it not, sir?

Mr. CHUN. Yes.

5. Major CLAUSEN. You were formerly administrative head of the United States Engineering Department here?

Mr. CHUN. I was.

6. Major CLAUSEN. For what period of time?

Mr. CHUN. Approximately ten years. I cannot give the exact date when I was promoted to the head of the Administrative Division. Around 1935 to 1944.

7. Major CLAUSEN. During the years 1940 and 1941, Mr. Chun, were you the administrative head?

Mr. CHUN. I was the administrative head.

8. Major CLAUSEN. You are the one across whose desk there would normally come correspondence, papers and other documents?

[3259] Mr. CHUN. Yes, sir.

9. Major CLAUSEN. Do you recall when a Colonel John Hunt was out here conducting an investigation involving Colonel Wyman and the Hawaiian Constructors?

Mr. CHUN. I recall that.

10. Major CLAUSEN. Do you remember Colonel Hunt asked you to produce for him papers that had to do with negotiations and conferences leading up to a contract dated December 20th, 1940 with the Hawaiian Constructors?

Mr. CHUN. Yes, sir.

11. Major CLAUSEN. And you said to him at that time that you were unable to find any such papers or documents?

Mr. CHUN. He asked specifically for letters, certain letters, that Colonel Wyman is said to have received from headquarters. There was a big project coming up. I did produce several letters, which is not the letter he wanted.

12. Major CLAUSEN. I have the testimony right here and I will read it to you:

(Excerpt from Colonel Hunt's report is as follows):

Q. Now, with reference to the cost-plus-a-fixed-fee contract, W-414-Eng-602, Colonel Wyman has testified that he proposed doing the work that was outlined in and covered by the basic contract without entrance into any contract, but by the hiring of labor directly by his office, and the purchase of materials by his office. Presumably at the time of the work covered by the basic contract was in consideration, there was some correspondence as to the manner in which the work would be performed. Do you recall any such correspondence?

[3260] A. No, I do not recall that part of it. That question was asked of me several times, and the only reply I could have given to that few persons that asked me was that he made the trip to Washington, to the Division Engineer's office, and my understanding was that the whole thing was consummated in the Division and the Chief's office. I do not recall prior to the contract was made that negotiations or correspondence, or seeing such correspondence up to that.

[3261] Now, you had several more questions and answers on the same subject. Did you find any correspondence at all on that subject, Mr. Chun?

Mr. CHUN. I did not.

13. Major CLAUSEN. Did you look for any?

Mr. CHUN. I looked for it, yes. I went through the file. After Colonel Hunt asked me, I went back to the file and spent several days over there and I could not find that letter. I think I did tell him afterwards, subsequent to the testimony I gave, that I could not find the letter.

14. Major CLAUSEN. You were the person to whom Colonel Hunt was supposed to go; you were head of the administrative division?

Mr. CHUN. Yes.

15. Major CLAUSEN. You said here:

(Excerpt from Colonel Hunt's report is as follows:)

Q. (By Colonel Hunt:) What I am trying to get at here is to establish by inquiry the identity of the person to whom I should look for documents that would indicate preliminary action with respect to the work that was started in late 1940 under that contract, and I understand from your statement that you are the person who is in effect the custodian of such records and documents.

A. Yes, all files come under the Administrative Division. I am responsible for them.

Q. Then, in addition to the original papers relating to the work on the contract 602, I am going to ask you to secure for my review any other documents bearing upon the question why that work was done under a cost-plus-a-fixed-fee contract.

A. Yes, sir; that will be included in this list that you are going to give me?

[3262] Q. That's right.

Now, after these questions and answers you looked and could find nothing; is that correct?

Mr. CHUN. That is right.

16. Major CLAUSEN. Colonel Hunt also asked you about the yacht VEGA. Do you recall that?

Mr. CHUN. I do.

17. Major CLAUSEN. What did you find about that?

Mr. CHUN. I told him I didn't have any records or any knowledge of that.

18. Major CLAUSEN. Yet you were the head of the administrative division?

Mr. CHUN. Yes, sir.

19. Major CLAUSEN. After you talked to Colonel Hunt here at this time, did you look for those papers concerning the yacht VEGA?

Mr. CHUN. I did.

20. Major CLAUSEN. What did you find? Did you find any papers?

Mr. CHUN. I did not find any papers about the negotiations for the VEGA and the renting of the VEGA.

21. Major CLAUSEN. Did you know anything about either one of these two things?

Mr. CHUN. The only knowledge I have is that the VEGA was in port one time. That is the only thing I know. And its proposed use by contracts with the different divisions, one by a conservation party.

22. Major CLAUSEN. The lack of papers in your files was certainly out of the ordinary, so far as administrative routine was concerned, though, was it not?

Mr. CHUN. Probably so, yes, sir.

[3263] 23. Major CLAUSEN. Do you account for that in any way?

Mr. CHUN. You mean, my method of filing papers?

24. Major CLAUSEN. No, the fact that you had these papers, you say, involving the District Engineer's office and you could find no records or correspondence concerning them.

Mr. CHUN. Figures were never put in black or white or in writing.

25. Major CLAUSEN. I don't think I have any more questions.

26. General GRUNERT. Does anyone have any questions? Do you know whether there were ever any papers on that subject or those subjects that might have been removed from the files before you looked for them?

Mr. CHUN. No, I don't. I don't have any reason to doubt it.

27. General GRUNERT. As far as you know, there were never any papers on that subject in the file?

Mr. CHUN. As far as I know, yes, sir.

28. General GRUNERT. Have you any other statement you wish to make on this subject to the Board that may help the Board?

Mr. CHUN. No; I don't believe I have.

29. Major CLAUSEN. I have one further question.

As a matter of fact, Mr. Chun, Colonel Wyman was very careless in his paper work, wasn't he?

Mr. CHUN. In some respects, yes.

30. Major CLAUSEN. He was very lax in administrative details, was he not?

Mr. CHUN. That is a matter of opinion. I don't know, really.

31. Major CLAUSEN. Let me read you your opinion that you gave [3264] to Colonel Hunt, on page 370:

Q. If there had been any such record, do you feel that you would have known it?

A. That's right.

Q. Well, looking from the inside point of view, what would it mean?

A. Well, I always think that Colonel Wyman was very careless in his paper work. I felt there was nothing that I could do about him. He was very lax in administrative details, and it was awfully hard to keep up with him.

Do you recall giving that testimony?

Mr. CHUN. I do, yes.

32. Major CLAUSEN. Is that a correct statement; did you tell the truth there?

Mr. CHUN. That is my opinion of it.

33. Major CLAUSEN. You told the truth there, did you?

Mr. CHUN. I did.

34. Major CLAUSEN. Did you know anything about the purchase of equipment?

Mr. CHUN. No.

35. Major CLAUSEN. From the Rohl-Connolly Company of Los Angeles at a cost of about \$166,000?

Mr. CHUN. No, that don't come across my desk at all. That would be a matter of the supply division.

36. Major CLAUSEN. That is all.

[3265] 37. General GRUNERT. All right, thank you for coming. (The witness was excused, with the usual admonition.)

TESTIMONY OF GEORGE A. SISSON, CIVIL ENGINEER, 1545 DOMONIS STREET, HONOLULU, T. H.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Will you please state to the Board your name and address, sir?

Mr. SISSON. George A. Sisson, 1545 Domonis Street, Honolulu.

2. Colonel WEST. What is your occupation, Mr. Sisson?

Mr. SISSON. Civil Engineer.

3. General GRUNERT. Mr. Sisson, I am going to ask Major Clausen to lead in this particular part of our investigation, and the members of the Board will ask any questions that appear pertinent after that.

4. Major CLAUSEN. Your occupation, Mr. Sisson, during the years 1940 and 1941, was what?

Mr. SISSON. In 1940 I had charge of the Engineering Section of the District Engineer's Office at Pier 2. That is where the office was at that time. In 1939 I transferred here from the Huntington District, West Virginia.

5. Major CLAUSEN. This was as a civilian employee of the United States Engineering Department?

Mr. SISSON. Right.

6. Major CLAUSEN. You were at one time principal engineer, were you, or area engineer, at the Hickam Field area?

Mr. SISSON. Yes, sir, in 1942.

7. Major CLAUSEN. And in connection with your duties at that [3266] time, that position and that work extended over what period?

Mr. SISSON. I went out there, if I remember correctly, on the 13th of January, 1941, and stayed there until February, 1943, as area engineer.

8. Major CLAUSEN. The Hawaiian Constructors was the contractor on that job, was it not?

Mr. SISSON. Well, they were one of the contractors. At that time there was quite a little other work being done in that area.

9. Major CLAUSEN. They did, though, a considerable amount of frame building construction under supervision, did they not?

Mr. Sisson. That is right.

10. Major CLAUSEN. And what was the nature of that construction work, Mr. Sisson?

Mr. Sisson. Well, they built a lot of barracks there at Hickam Field, mess halls, latrines, and put in a water and sewer system, and also they started, as I recall, before that building the casemates of Battery Clausen at Fort Kam.

11. Major CLAUSEN. How did they do the work on Battery Clausen?

Mr. Sisson. Well, they did the work as any contractor would do it.

12. Major CLAUSEN. Let me ask you your opinion of the manner in which they did all this work to which you are testifying.

Mr. Sisson. Well, frankly, all of the work here at that time was badly handled.

13. Major CLAUSEN. That, Mr. Sisson, is not my question. I am asking you your opinion of the work done by the Hawaiian Constructors under your supervision.

Mr. Sisson. I think they did as well as any contractor [3267] could have done at that time under the conditions.

14. Major CLAUSEN. As a matter of fact, it was not handled in an efficient manner, isn't that correct?

Mr. Sisson. As efficiently, I would say, as it was possible under the conditions.

15. Major CLAUSEN. With whom, Mr. Sisson, did you talk before you came here to testify, just recently?

Mr. Sisson. I did not talk to anyone. I have been gathering data for General Bragdon and others. I have been doing that for the last two weeks, getting data in connection with some of the work, particularly A. W. S. work.

16. Major CLAUSEN. For General Bragdon?

Mr. Sisson. Yes, sir. Well, Colonel Gesler is the one that gave the instructions to get up the information.

17. Major CLAUSEN. Do you recall having been interviewed and giving certain testimony before Colonel John E. Hunt of the Inspector General's Department, sir?

Mr. Sisson. Yes.

18. Major CLAUSEN. Do you remember having given this testimony, at page 391:

(Excerpt from Colonel Hunt's report is as follows:)

Q. Did they as the Hawaiian Constructors do any considerable amount of frame building construction under your supervision?

A. Yes, sir.

Q. What was the nature of it?

A. Oh, it varies at Hickam Field, the mess halls, the warehouses—as a matter of fact, I would say the bulk of their work was construction in the Sector Field area and also the other areas, as far as I know.

Q. What was your opinion of the manner in which they did their work?

[3268] A. Well, it wasn't handled in an efficient manner. I don't think really any of their work handled in a highly efficient manner due to, well, having poor workmen, and generally speaking, not efficient management. I know for a fact that some of the, well, say, tournapul operators, were brought over here, hired on the coast as tournapul operators, and had to be trained after they got over here, and some of them didn't know anything about a tournapul. That was also true of some of their crane operators. I was told that one crane operator, a new man, came over and didn't even know how to operate the crane when he was put on it to operate it.

Do you recall having given that testimony, Mr. Sisson?

Mr. Sisson. Yes, sir.

19. Major CLAUSEN. And did you state the truth at that time?

Mr. Sisson. I did.

20. Major CLAUSEN. That is all.

Mr. Sisson. As I saw it.

21. Major CLAUSEN. No further questions.

22. General GRUNERT. Any questions.

23. General RUSSELL. Are you in the Engineering Department now?

Mr. Sisson. Yes, sir.

24. General RUSSELL. Have you been with them constantly since this time?

Mr. Sisson. Yes, sir.

25. General RUSSELL. What caused you to change your mind, Mr. Sisson?

Mr. Sisson. Well, I would like to explain it this way: In comparing the Hawaiian Constructors as contractors doing work, [3269] as they were on a fixed-fee basis, they were not as efficient as a contractor, for instance, other contractors we had at Hickam Field who had taken their work on a lump-sum basis and taken it several, or a considerable time earlier. That is, I mean, where they could. For instance, I am comparing Robert McKee, who took his contracts probably two years earlier, and who shipped his own material from the mainland, got plenty of material here in advance, was able to hire his men when he could get good experienced men. I understand the Hawaiian Constructors did not land here, did not get started, if I remember correctly, until in January, 1943.

26. General FRANK. What?

Mr. Sisson. January, 1942. January, 1941. Excuse me. At that time good help, good construction help, was scarce on the mainland. The other contractors here, like Tucker McClure and Robert McKee, who were doing work at Hickam Field, they had been over here a year and a half earlier when good construction men were plentiful on the mainland. They had an existing organization, but the Hawaiian Constructors had to form their organization when good help was scarce, when there was lots of work on the mainland.

27. General RUSSELL. When you were testifying before there was not a thing relative in your testimony. You stated that their supervision was, in effect, inefficient, or words to that effect.

Mr. Sisson. Yes, sir, apparently did.

28. General RUSSELL. What?

Mr. Sisson. It was inefficient in comparison to the old contractors.

29. General RUSSELL. Don't you know that the Callahan Company, [3270] the Rohl-Connolly Company and Gunther-Shirley were old organizations in the States and were imported over here, so that the government might have the benefit of their old and experienced organizations?

Mr. Sisson. Yes, I understand they are capable men on the mainland. Frankly, I don't believe they sent their best team over here, putting it in football terms.

30. General RUSSELL. What you mean to testify now is that they had a second-rate outfit over here and did as well as a second-rate outfit could effectively do; is that true?

Mr. Sisson. Their main handicap over here——

31. General RUSSELL. Could you answer that question, since we are talking about football terms, and second teams?

Mr. Sisson. No, I would say they did not sent their first team over here.

32. General RUSSELL. In other words, you think they had a scrub outfit over here?

Mr. Sisson. I would say it was not their first team.

33. General RUSSELL. Do you know whether or not the United States Government was paying them on the basis of sending a first-rate team over here?

Mr. Sisson. That, I cannot say.

34. General RUSSELL. If the government picked them out and sent them over here as a first-rate team and paid for first-rate service, it did not get what it was paying for, did it?

Mr. Sisson. No, they did not, if they were paying them for first-rate service.

35. General RUSSELL. In other words, it was a second-rate job that they were doing over here?

[3271] Mr. Sisson. I still stick to my statement.

36. General RUSSELL. Could you answer that question? It was a second-rate job that they were doing over here?

Mr. Sisson. They did as good a job——

37. General RUSSELL. Pardon me?

Mr. Sisson. They did as good a job, I think, as it was possible to do under existing circumstances.

38. General RUSSELL. Suppose they had had a first-rate team over here, could they have done a better job?

Mr. Sisson. If they could have gotten first-rate carpenters and top-notch foremen and top-notch machinists, and so forth, they could have done better work.

39. General RUSSELL. Did not they import a lot of that type of labor over here from the mainland?

Mr. Sisson. Yes, at a time when good help was scarce.

40. General RUSSELL. Were you cognizant of conditions on the mainland?

Mr. Sisson. Yes.

41. General RUSSELL. How?

Mr. Sisson. I take engineering papers and read them. I know there was a lot of construction work under way on the mainland. Frankly, our own organization brought a lot of men over in 1941 and 1942 that were really second-rate men.

42. General RUSSELL. You are an employee of the federal government, are you not?

Mr. Sisson. Yes.

43. General RUSSELL. And you have been for a long time?

Mr. Sisson. Yes.

44. General RUSSELL. And you have given testimony here to a [3272] government investigator to the effect that this was not an efficient operation out here, haven't you?

Mr. Sisson. Yes.

45. General RUSSELL. And you are in here giving testimony to another government body today that it was an efficient operation, aren't you?

Mr. Sisson. I am saying as efficient as it could be under existing circumstances in 1941 and 1942.

46. General RUSSELL. Why didn't you qualify that testimony in that way when you were testifying as Major Clausen has read to you?

Mr. Sisson. Well, frankly, I think I should have. I was comparing them with contractors in 1941 and 1942, contractors who had taken their work two years earlier.

47. General RUSSELL. Let us develop these recent occurrences here on the island. Do you know a General Bragdon?

48. Major CLAUSEN. He has testified that he has talked with him.

Mr. Sisson. I met him, yes, sir.

49. General RUSSELL. How long ago?

Mr. Sisson. About three days ago.

50. General RUSSELL. You had been back digging into these old records for some ten days when you met Bragdon, hadn't you?

Mr. Sisson. Yes, that is right, on one particular subject.

51. General RUSSELL. At whose instance did you go back and begin the investigation of these old documents and records?

Mr. Sisson. Colonel Gesler gave me the assignment to dig up that information. We had a cable from the Chief of Engineers to prepare certain data chronologically in connection with that.

[3273] 52. General RUSSELL. What did this Colonel that you are talking about, who sent you on this search, tell you he wanted evidence to prove?

Mr. Sisson. He didn't tell me. The cable was turned over to me and he told me to dig up that information requested on the A. W. S. installations, and I had to go through a number of files.

53. General RUSSELL. You have not made any recent investigation, then, relating to this construction work about which you are testifying to Major Clausen, have you?

Mr. Sisson. Not recently, no, sir.

54. General RUSSELL. Then you have changed your story without any rhyme or reason since you testified before?

Mr. Sisson. Well, I think, sir, that I have been able to see this whole picture in a broader light as to conditions that existed at that time.

55. General RUSSELL. Did you ever know anything about the Rohl-Connolly crowd?

Mr. Sisson. No. I have met Mr. Rohl, that is all. I know Connolly.

56. General RUSSELL. As you dealt with those people out there on the job, the supervisory personnel, did you know the difference between the supervisors of Callahan and Rohl-Connolly and the other units of that construction group?

Mr. Sisson. No, sir. I simply dealt with representatives of the Hawaiian Constructors, their general superintendent and their local superintendent.

57. General RUSSELL. They had supervisors extending all the way down to these workers, didn't they?

[3274] Mr. Sisson. Yes. I knew their general superintendent, a fellow named Ashlock. He visited the work periodically and I

would say this: that Ashlock, I considered him a very capable construction man.

58. General RUSSELL. And you considered him that way when you were testifying originally?

Mr. Sisson. Ashlock. The inefficiency that I testified to, they were inefficient further on down, due to a lack of good workmen, particularly good carpenters, good mechanics. In 1941, and it existed in 1942 and 1943, any man that could go out and buy a square and a saw and a hammer, he could get a job as a carpenter, just because the help was very scarce, but he is still a poor carpenter.

59. General RUSSELL. That was true in 1941 on the island?

Mr. Sisson. On the island, yes, sir.

60. General RUSSELL. And it was true in 1941 on the mainland?

Mr. Sisson. I believe good help was scarce over there.

61. General RUSSELL. And you believed that because you saw it in some paper?

Mr. Sisson. Well, I read technical journals and I read the papers also.

62. General RUSSELL. Do you know what the conditions were in Los Angeles where they were recruiting their common labor and carpenters?

Mr. Sisson. No, sir, I do not.

63. General RUSSELL. The testimony now, in order that we may light somewhere and know what to depend on when we are considering your testimony, Mr. Sisson, is that they brought a sorry crowd of supervisors, laborers and carpenters over here to do [3275] that job?

Mr. Sisson. Their carpenters and mechanics were not first-class men. Their general superintendents, I say, were good. Ashlock, I would say, was a very good man.

64. General RUSSELL. How about the intermediate supervisors between Ashlock and the laborers?

Mr. Sisson. I would say they were not quite as high a quality as Ashlock and the men further up.

65. General RUSSELL. Would you say the supervisory men were a second-grade lot, or a good lot, or if they belonged in one category?

Mr. Sisson. The supervisory, I would say, the men below the grade of the general men, below Ashlock—and Mr. Grafe was over here as supervisor. He was not here all the time. A very capable man. Their foremen down below them, I would say, were only fair.

66. General RUSSELL. With a poor crowd of foremen and a fair crowd of supervisors you got the results which you might expect, that is, unsatisfactory results, when regarded from the standpoint of normal standards, didn't you?

Mr. Sisson. Yes. We did not get the best results.

67. General RUSSELL. That is all.

Major CLAUSEN. I have another question.

68. General FRANK. Let me ask this first:

What did Major Powell say to you about this testimony?

Mr. Sisson. Major Powell?

69. General FRANK. Yes.

Mr. Sisson. The only thing he told me was "You will probably be asked a lot of questions and" he said, "don't get [3276] rattled. If you don't understand the question, why, say so."

70. General FRANK. What did Major Lozier tell you?

Mr. Sisson. Nothing.

71. General FRANK. You were conversant with the McKee organization out at Hickam, weren't you?

Mr. Sisson. Yes, sir

72. General FRANK. Was that a pretty good organization?

Mr. Sisson. I would say it was a good organization.

73. General FRANK. First class?

Mr. Sisson. The local organization of McKee's was good. Now, we had some trouble with McKee's. They had quite a lot of work at Hickam Field when I went out there. I inherited it from the construction Quartermaster.

74. General FRANK. He had an efficient operating organization, didn't he?

Mr. Sisson. An efficient local operation organization, yes.

75. General FRANK. He had good workmen?

Mr. Sisson. Yes.

76. General FRANK. They were here present with an organization and were equipped and ready to do work in the Hawaiian Islands before the Hawaiian Constructors were brought in here, weren't they?

Mr. Sisson. Yes, but at that time, I will say this: They were loaded up. They were loaded to their full capacity at that time. They were building a lot of quarters, officers quarters, and so forth, at Hickam Field, and other buildings.

77. General FRANK. Just as soon as the Hawaiian Constructors came in what happened to McKee?

[3277] Mr. Sisson. They finished up their work, but it took them several months. They were not done with all their work at the time of the blitz.

78. General FRANK. But their contracts were dependent upon completion of the work on which they were engaged?

Mr. Sisson. That is right.

79. General FRANK. And there was a good organization, with good workmen, that was turned loose, and this second-rate organization was brought in?

Mr. Sisson. Well, they were in here before McKee was turned loose.

80. General FRANK. What is that?

Mr. Sisson. They were brought in almost—I would say they were brought in a year before McKee finished up.

81. General FRANK. But they had a first-rate organization in here and they brought in a second-rate organization?

Mr. Sisson. Yes, but at the time when the District Engineer's force had to be increased, McKee with his local organization was loaded up to the hilt. I don't think they were in position to take on any more work.

[3278] 82. General FRANK. Was any use ever made of McKee's superintendents and supervisors?

Mr. Sisson. Yes, sir.

83. General FRANK. By the Hawaiian Constructors?

Mr. Sisson. Well, let me qualify that in this way: Immediately after the blitz their superintendent came to me and said he wanted to help out any way he could, and we put them right away—see, their work was, I won't say stopped entirely, but it was cramped considerably due

to shortage of supplies and one thing another, and we put them to work at Hickam Field, remodeling that big barracks. You know the big barracks there of 3200. They rehabilitated that.

84. General FRANK. They built it in the first place.

Mr. Sisson. They built it in the first place. Consequently they were much better qualified to rehabilitate it, and we put them to work at rehabilitating that right away, and one or two other buildings, the fire station and some of the other buildings.

85. General FRANK. But they didn't do that as part of the Hawaiian Constructors?

Mr. Sisson. They were supposed to do that as subcontractors of the Hawaiian Constructors, and I understood that the Hawaiian Constructors and the District Engineer tried to get them to become a part of the Hawaiian Constructors, and McKee refused to. It is my understanding of it. I have never seen any correspondence on it.

86. General FRANK. McKee refused because he didn't like the manner in which the Hawaiian Constructors did business.

Mr. Sisson. That might be. I can't say. But I know [3279] they did quite a lot of work, as some of them—at that time we were carrying all of the contractors' pay rolls. We carried McKee's pay roll for his men that worked after the blitz on rehabilitating these various buildings.

87. General FRANK. Prior to that McKee carried his own pay roll?

Mr. Sisson. That is right. His work was lump-sum work.

88. Major CLAUSEN. How did Major Powell know what to tell you as to the manner that you should act before this Board? Did you go to him and tell him you were going to be a witness?

Mr. Sisson. I told him—I was working in the same room, preparing, digging up data—rather, tabulating data that I had dug up on his A. W. S. stations when the call came through, and I just mentioned that they knew that I was—would be called. I mentioned that I was supposed to go over here this afternoon.

89. Major CLAUSEN. Now, so the record is entirely clear, Mr. Sisson, you are not going to have General Russell believe that you believe other than that the Hawaiian Constructors sent over here what you considered their scrub team, are you?

Mr. Sisson. What I considered not their first team.

90. Major CLAUSEN. You thought they were a scrub team, to use football parlance, didn't you?

Mr. Sisson. No. I would say they were not their first team. They were probably the second team.

91. Major CLAUSEN. You deny that, do you?

Mr. Sisson. I would say they were probably their second or third team.

92. Major CLAUSEN. All right. Then let me follow that with this question: When you made this statement to Colonel Hunt, [3280] you thought then that not only they sent over a scrub team but that they had gypped the Government, didn't you?

Mr. Sisson. No, I don't think they gypped the Government. I didn't think so then, but I—in comparison I will say that they are not as capable, not as efficient contractors as Tucker-McClure or McKee.

93. Major CLAUSEN. Would you listen while I read your testimony?

Mr. Sisson. Yes, sir.

94. Major CLAUSEN. Reading from the top of page 396, question by Colonel Hunt:

Would you say that management by the Hawaiian Constructors was honest, even though it was inefficient?

ANSWER. As far as I know, yes, sir. I think their main fault was the inefficiency, sort of a don't care a darn what the costs were.

QUESTION. And I believe that at one time you made the remark that you felt that if the Rohl-Connolly outfit and the Callahan outfit were efficient builders, that they surely must have sent this "scrub team" over here to do it?

ANSWER. That's right.

QUESTION. Does that pretty accurately describe your judgment of the Rohl-Connolly and Callahan outfits?

ANSWER. Yes, it does.

QUESTION. Is there anything else you can think of that would be of value to this record?

ANSWER. Well, there is only one thing. I have thought that there was a laxity, or I would say that [3281] the Hawaiian Constructors or members of the Hawaiian Constructors have gipped the Government to a considerable extent in the renting of the equipment. I am thinking in particular of some of the equipment that Woolley rented. There was in particular one crane that I would say a contractor normally would hesitate to pay \$2,000 for, due to the fact that the crane was worn out, and yet that was rented from Mr. Woolley for record?

You gave that testimony, did you?

Mr. Sisson. Yes, sir.

95. Major CLAUSEN. That is all.

96. General GRUNERT. Any other questions?

97. Colonel TOULMIN. I would like to ask the man a question. May I, General?

98. General GRUNERT. Yes.

99. Colonel TOULMIN. I was out of the room, Mr. Witness, when you testified that a General Bragdon had talked to you; is that correct? He did talk to you?

Mr. Sisson. I have talked—yes, sir, he talked—I talked to him some, and he's talked to me.

100. Colonel TOULMIN. What was the occasion for the conversation?

Mr. Sisson. Well, I was preparing data in the same room in connection with A. W. S. stations.

101. Colonel TOULMIN. Who else was in the room with you besides Bragdon and Powell, and yourself?

Mr. Sisson. Mr. Perliter, and Mr. Lozier.

[3282] 102. Colonel TOULMIN. Is Mr. Perliter working on this job of getting up evidence, too?

Mr. Sisson. He is working. Yes, sir, he is digging up data, going through the files, arranging it in chronological order.

103. Colonel TOULMIN. The whole group of you—

Mr. Sisson. The files.

104. Colonel TOULMIN. —were working on this same subject; is that it?

Mr. Sisson. Yes, sir.

105. Colonel TOULMIN. When did you first talk to General Bragdon?

Mr. Sisson. Monday, I believe.

106. Colonel TOULMIN. You talked to him every day since then?

Mr. Sisson. Very little. I have been working, working in the same room, but I have talked to him very little.

107. Colonel TOULMIN. What did he say to you?

Mr. Sisson. He's asked me questions, some questions in connection with A. W. S. work. About any conversation we had has been primarily in connection with the A. W. S. service.

108. Colonel TOULMIN. What did he say to you about coming over here and testifying before this Board?

Mr. Sisson. He didn't say anything to me about coming over here.

109. Colonel TOULMIN. Powell was the man——

Mr. Sisson. Powell is the man.

110. Colonel TOULMIN. —who prepared you for that?

Mr. Sisson. Yes, sir. I think—let me qualify that. I think Bragdon—I asked Bragdon. I had a folder of materials, [3283] copies of letters that I had dug out of the files, all in connection with A. W. S. stations, and had written up a memorandum on it and asked him if I should bring that along, and he said he didn't think so, because, for the reason that the work that I have been on, that I am personally acquainted with, had nothing to do—in other words, where I worked in the second—and had charge in the Second Field Area there were no A. W. S. stations built in that area; consequently I have—my information regarding A. W. S. stations is information that I dug out of the files. I have no personal information regarding those.

111. Colonel TOULMIN. So General Bragdon didn't want you to bring that testimony——

Mr. Sisson. No, sir.

112. Colonel TOULMIN. —over here before this Board; is that right?

Mr. Sisson. Well, it wasn't testimony, it was data.

113. Colonel TOULMIN. All right. He didn't want you to bring those data over before this Board; is that right?

Mr. Sisson. Yes, sir.

114. Colonel TOULMIN. And General Bragdon is the man that made that request or gave you that instruction; is that it?

Mr. Sisson. I asked him if I should bring it, and he said he didn't think so, that you would—that I should only probably be questioned and should only deal with information that I had personal knowledge, as of my construction work in the Second Field Area.

115. Colonel TOULMIN. Did you discuss with General Bragdon your previous testimony before Colonel Hunt?

Mr. Sisson. No, sir.

[3284] 116. Colonel TOULMIN. Did you discuss that testimony with Major Powell?

Mr. Sisson. No, sir.

117. Colonel TOULMIN. Now, you are here, you know, Mr. Witness, under oath.

Mr. Sisson. Yes, sir.

118. Colonel TOULMIN. And I would like to have you think very carefully before you answer this next question: Is there any other statement made by General Bragdon or Colonel Powell to you during the last three days, or by you to them, that you have not reported to this Board this afternoon?

Mr. Sisson. Well, I don't remember everything that we talked. We talked very little because it was in connection with the A. W. S. work.

119. Colonel TOULMIN. You don't remember everything that was said, then?

Mr. Sisson. No, sir.

120. Colonel TOULMIN. There may be a great many other things you haven't reported to this Board in your testimony this afternoon that was said between Bragdon, Powell and yourself; is that it?

Mr. Sisson. I don't think there is anything pertinent.

121. Colonel TOULMIN. No; I am asking you not whether there is anything pertinent or not; whether there was anything else that was said.

Mr. Sisson. There may have been, but I can't remember everything that has been—that we have talked about, but I think Bragdon has been a very busy man, and he has asked me questions about A. W. S. work where I have been digging up data, [3285] but that's all our conversation has been, just in connection with that; and, as I say, I asked him whether I should bring the folder I had.

122. Colonel TOULMIN. That is all. Thank you.

Mr. Sisson. Yes, sir.

123. Major CLAUSEN. I just have one further question: When you gave this testimony to Colonel Hunt, Mr. Sisson, did you tell the truth?

Mr. Sisson. I told the truth as I saw it. I always tell the truth.

124. Major CLAUSEN. At that time?

Mr. Sisson. As I saw it at that time.

125. Major CLAUSEN. Yes. That is all.

126. General GRUNERT. Have you anything else that you would like to tell the Board pertaining to the questions that have been asked you, as pertaining to this matter, now that your memory has been sort of refreshed by what they have said? This will be an opportunity for you to tell the Board anything that may be in the back of your mind.

Mr. Sisson. The only thing I could say in that way was that in '41 we were all working under severe handicaps, both the Engineers and the Hawaiian Constructors, due to the fact that good experienced construction help was scarce, due to the fact that we were very shy of materials, also shy of construction equipment. The District Engineer at that time could only buy materials for approved projects. He couldn't buy materials and stock them to have them on hand. We were also handicapped due to the fact that we had to follow pre-war procedure. That is, the District Engineer was working under the Division Engineer [3286] at San Francisco, under the Chief of Engineers in Washington. A set of plans had to be prepared here, sent to the Division Engineer, and then—for approval—and back. That sort of thing definitely delayed the work and was definitely a handicap, and at that time we had an enormous amount of work. We had airfields to build, gasoline storage at those airfields, barracks, quarters.

And I would like to bring out one point that has come to my mind, in studying over these records, that had there been in '41 a priority established on the most—setting up as a higher priority the most important jobs, those jobs could have been probably completed earlier. As it was, there was no priority. We had airfields to build, we had ammunition storage to build, war storage for gasoline on five different islands. Every damn thing was important, and one job would be hot today and probably another job hotter tomorrow, depending upon the using agency putting pressure on a certain job. Consequently, there was a certain amount of—considerable inefficiency and what I like to

term as fumbling of the ball, due to conditions. And I would say this: I think the whole cause of not being prepared there was just because we started about two years too late. We were trying to do three years' work in one year, under difficult circumstances, and I think everybody did their darndest.

127. General GRUNERT. Are there any more questions? (No response.)

Thank you very much for coming.

Mr. Sisson. You are welcome, sir.

(The witness was excused, with the usual admonition.)

[3287] **TESTIMONY OF MISS HELEN SCHLESINGER, 254A
LEWERS ROAD, HONOLULU, T. H.**

(The witness was sworn by the recorder and advised of her rights under Article of War 24.)

1. Colonel WEST. Miss Schlesinger, will you please state to the Board your name and address?

Miss SCHLESINGER. Miss Helen Schlesinger, 254A Lewers Road, Honolulu.

2. Colonel WEST. And by whom are you employed, Miss Schlesinger?

Miss SCHLESINGER. The Engineer Office.

3. Colonel WEST. Is that the United States District Engineer office?

Miss SCHLESINGER. That is right. It is now officially known as the Office of the Engineer.

4. Colonel WEST. Major Clausen.

5. Major CLAUSEN. Miss Schlesinger, what was your occupation in the year 1940-1941?

Miss SCHLESINGER. In 1940 I was in Chicago, employed by the U. S. Engineers there, in charge of their contract section.

6. Major CLAUSEN. And you then later came here?

Miss SCHLESINGER. And in February, 1941, I came, transferred to Honolulu, to work for the Engineers.

7. Major CLAUSEN. By the way, you recall having testified before Colonel John E. Hunt?

Miss SCHLESINGER. I do.

8. Major CLAUSEN. An Inspector General?

Miss SCHLESINGER. Right.

9. Major CLAUSEN. Before you came here today, Miss Schlesinger, did you talk this case over with anyone?

[3288] Miss SCHLESINGER. I didn't talk it over with anyone. General Bragdon and Colonel Wyman did call me over to the office. They asked me if I had any idea what I might be called to testify for or for what reason I might be called to testify, and I told them that I had no idea at all what I might be asked.

10. Major CLAUSEN. You knew Colonel Wyman out here, Colonel Theodore Wyman, Junior, did you not?

Miss SCHLESINGER. I worked while he was here in the District; right.

11. Major CLAUSEN. Yes. You also met this party, Hans Wilhelm Rohl?

Miss SCHLESINGER. Yes.

12. Major CLAUSEN. You attended social functions at which Mr. Rohl was present?

Miss SCHLESINGER. I attended one social function at which Mr. Rohl was present.

13. Major CLAUSEN. You saw him drunk, did you not?

Miss SCHLESINGER. He had very definitely been drinking, and at the time I left there he indicated that he was having a heart attack, and I am not qualified to pass judgment on whether it was a case of drunkenness or the heart attack which Mr. Rohl maintained he had.

14. Major CLAUSEN. Where did this occur, Miss Schlesinger?

Miss SCHLESINGER. At the Pleasanton Hotel.

15. Major CLAUSEN. Pleasanton Hotel?

Miss SCHLESINGER. That is right.

16. Major CLAUSEN. You saw him in that same condition on other occasions?

Miss SCHLESINGER. No, I never did. There was only one [3289] other time that I was with him when there had been some drinking, and that was one night when I had been working very late, and he took me home in his car, and we stopped at his room at the Moana Hotel for about half an hour, and I think had one drink there, and I went on home from there, and he was not drunk at that time.

17. Major CLAUSEN. This occasion, this social function at the Pleasanton Hotel, who was present, Miss Schlesinger?

Miss SCHLESINGER. At the time I arrived there, which was very late in the evening, probably about 11 o'clock, when I had been called supposedly to come down to work, as had happened on many other occasions, and arrived down there I think about 11 o'clock, with Colonel Wyman's secretary, Elaine Heilman, and I believe Mr. Middleton of Hawaiian Constructors was there, and Colonel Robinson, and it wasn't until after I had been there quite a little while that I found out they had been having a farewell party for Colonel Wyman, but apparently by the time we got there everybody else had left.

18. Major CLAUSEN. In other words, this occasion at the Pleasanton was one for Colonel Wyman?

Miss SCHLESINGER. That is right.

19. Major CLAUSEN. You saw Colonel Wyman?

Miss SCHLESINGER. I didn't see him that night, no.

20. Major CLAUSEN. I think that is all.

21. General RUSSELL. When was it you had this conference with the General and the Colonel? Today?

Miss SCHLESINGER. No. Monday.

22. General RUSSELL. Monday. What time Monday?

Miss SCHLESINGER. About 4:30.

[3290-91] 23. General RUSSELL. Afternoon?

Miss SCHLESINGER. That's right.

24. General RUSSELL. Where was it that—he called you to some place, as I recall.

Miss SCHLESINGER. You are speaking of—

25. General RUSSELL. Colonel—General—

Miss SCHLESINGER. General Bragdon and Colonel Wyman?

26. General RUSSELL. And Colonel Wyman, yes. Monday of this week?

Miss SCHLESINGER. Yes.

27. General RUSSELL. And they called you to the headquarters or some official place?

Miss SCHLESINGER. They are stationed over on Punahou campus now. They have office quarters, have been made available for them there.

28. General RUSSELL. Wyman and General Bragdon have offices at the place you just described?

Miss SCHLESINGER. That's right.

29. General RUSSELL. And it is in headquarters?

Miss SCHLESINGER. That's the Engineer Office headquarters.

30. General RUSSELL. Are all engineering functions on this Island of Oahu supervised and controlled out of that office?

Miss SCHLESINGER. That is right.

31. General RUSSELL. The chief engineer officer on this island has his office there where these people were; is that right?

Miss SCHLESINGER. That is right.

32. General RUSSELL. And you are an employee of the Engineering Department here on the island?

Miss SCHLESINGER. Yes.

[3292] 33. General RUSSELL. Is your office over there where these gentlemen were, in that same building?

Miss SCHLESINGER. Not in the same building. There are a number of buildings on Punahou campus, and I am in one of the buildings on Punahou campus; in other words, Cook Library building. They are in Bishop Hall on Punahou campus.

34. General RUSSELL. Who was present in the room when these people were talking to you?

Miss SCHLESINGER. There were two other people present, and I don't know who they were.

35. General RUSSELL. Were they officers or were they civilians?

Miss SCHLESINGER. One was an officer and one was a civilian.

36. General RUSSELL. What rank did the officer have?

Miss SCHLESINGER. I don't recall. I was not facing him at the time.

37. General RUSSELL. You don't remember his——

Miss SCHLESINGER. He was on the other side of the room, and I paid very little attention. I was in there only a short time.

38. General RUSSELL. When did you first know that you were going to appear before this Board as a witness?

Miss SCHLESINGER. I believe it was about a week or a week and a half ago that an MP came in and notified me that I was to appear here.

39. General RUSSELL. Did these gentlemen tell you how they knew that you were going to come down here as a witness before this Board?

Miss SCHLESINGER. No, they did not.

40. General RUSSELL. Now, they asked you what the subject of [3293] your testimony might be; is that true, what you might testify about?

Miss SCHLESINGER. That's right.

41. General RUSSELL. And you expressed ignorance?

Miss SCHLESINGER. Definitely.

42. General RUSSELL. Then you got up and left?

Miss SCHLESINGER. Very shortly after that. Primarily Colonel Wyman called me over to see if I could locate a circular letter that he wanted, and during the time I was there in the office General Bragdon spoke to me, in very general terms.

43. General RUSSELL. They were very general terms?

Miss SCHLESINGER. Very general.

44. General RUSSELL. And to what general effect?

Miss SCHLESINGER. Principally cautioning me that, if I was asked questions that I didn't know the answers to, that I could say I didn't know, and just giving me some good advice.

45. General RUSSELL. Yes. Now, let's see. The first piece of advice was, if you do not know the answer, say "I didn't know". That's the first piece of advice?

Miss SCHLESINGER. Yes, sir.

46. General RUSSELL. You knew that already, didn't you?

Miss SCHLESINGER. That's right.

47. General RUSSELL. Do you know why he might have been insisting on your not telling us something that you did not know?

Miss SCHLESINGER. No.

48. General RUSSELL. Then, now, what is the second piece of advice he gave you?

Miss SCHLESINGER. He didn't give me any other advice.

49. General RUSSELL. Let's see. There were but three things [3294] talked about: A letter; the second,

What are you going to be questioned about?

I don't know.

And, third,

If you don't know, tell them you don't know.

That is the whole subject?

Miss SCHLESINGER. The sum and substance of it.

50. General FRANK. There was something else that the witness said. Would you go back and read her former answer, Mr. Reporter? (The record was read by the reporter, as above recorded.)

51. General RUSSELL. What good advice, now, was given you?

Miss SCHLESINGER. Well, I considered their telling me that if I didn't know the answers, that I didn't—I should say I didn't know, and that I would get the information if possible and furnish it to the Board later.

52. General RUSSELL. Did you get the impression that your adviser was attempting to convey to you the impression that it wouldn't be particularly bad if you didn't know a lot down here before this Board?

Miss SCHLESINGER. No, I did not.

53. General RUSSELL. You did not get that impression?

Miss SCHLESINGER. Definitely not.

54. General RUSSELL. Now let's see about the Rohl heart attack. What were the symptoms of that heart attack, as you recall it?

Miss SCHLESINGER. He put his hand over his heart, and he moaned and leaned back in the chair.

55. General RUSSELL. How long did that go on?

Miss SCHLESINGER. I left in about two or three minutes. Mr. Middleton stayed there with him.

56. General RUSSELL. Did you find that letter that they were [3295] looking for over there?

Miss SCHLESINGER. No.

57. General RUSSELL. Was that letter in that office where they were?

Miss SCHLESINGER. Not the circular letter that they were looking for.

58. General RUSSELL. Were there any files in that office at all, file cases in that office?

Miss SCHLESINGER. I think not.

59. General RUSSELL. Was there any reason for them to send for you to come into that room to look for that letter, circular letter?

Miss SCHLESINGER. The reason was, Colonel Wyman wanted to describe to me what the circular was, and see if I could locate it somewhere among the records at the Engineer Office.

60. General RUSSELL. What was this circular letter that he wanted?

Miss SCHLESINGER. A circular letter that came out in July or August, probably, of 1940, covering awards of contracts on a negotiated or cost-plus-a-fixed-fee basis, and indicating the respective areas in which contracts would be awarded, that is, from which contractors would be selected for work in certain locations; in other words, that the country had been divided up into certain areas and that Honolulu, for example, would be required to pick its contractors from a certain geographical region.

61. General RUSSELL. Did that embrace any part of the West Coast of the United States?

Miss SCHLESINGER. From his description, it embraced the entire United States.

[3296] 62. General RUSSELL. Did you find that letter?

Miss SCHLESINGER. No, not yet.

63. General RUSSELL. Are you continuing to look for it?

Miss SCHLESINGER. I think there are several people on the track of it.

64. General RUSSELL. I think that is all.

65. General GRUNERT. Did you ever know of the existence of such a circular letter?

Miss SCHLESINGER. I have never read the one that he referred to specifically.

66. Major CLAUSEN. As a matter of fact, Miss Schlesinger, this heart attack of Mr. Rohl was brought on by drinking, in your opinion, was it not?

Miss SCHLESINGER. In my opinion, yes.

67. Major CLAUSEN. In other words, you had seen him consume and imbibe enough to think that the heart attack was the result of drinking?

Miss SCHLESINGER. Well, possibly not just when I was there, but I was under the impression that there had been some drinking going on before I got there.

68. Major CLAUSEN. What gave you that impression about Mr. Rohl?

Miss SCHLESINGER. Possibly reputation more than anything.

69. Major CLAUSEN. And that was what, Miss Schlesinger?

Miss SCHLESINGER. Well, I don't suppose that going on hearsay and reputation is very good testimony, is it, here?

70. Major CLAUSEN. We collect all kinds. We have had all kinds.

Miss SCHLESINGER. I have heard that he did drink.

[3297] 71. Major CLAUSEN. As a matter of fact, he was reputed to be a confirmed drunkard, wasn't he?

Miss SCHLESINGER. That I don't know.

[3298] 72. Major CLAUSEN. Now, what about Colonel Wyman—you have seen him drunk, on occasion?

Miss SCHLESINGER. No, I didn't. Colonel Wyman did not associate with his employees, normally.

73. Major CLAUSEN. Miss Schlesinger, why did you hesitate between my question and your answer for such a long time?

Miss SCHLESINGER. I was trying to recall whether I had ever seen him drink.

74. Major CLAUSEN. I am going to read a portion of your testimony, given to Colonel Hunt, and ask you if you gave this testimony. It is on page 441:

(Excerpt from Colonel Hunt's report:)

Question. Did you ever attend any social function at which Mr. Rohl was present?

Answer: Yes.

Question: Did you ever see him drunk?

Answer: Yes.

You gave that testimony?

Miss SCHLESINGER. That's right.

75. Major CLAUSEN. That is all.

Miss SCHLESINGER. I believe I changed that later. Isn't there something farther down in there?

76. Major CLAUSEN. Yes, you have. You say, here, in another answer, concerning a question as to whether Colonel Wyman was present, that

it all depends on what you call "drunk,"

and then they say to you,

Mr. Rohl's idea of somebody being drunk is somebody that is so intoxicated that he can't stand up.

So they ask you if that is your definition of being drunk.

[3299] Miss SCHLESINGER. No, but I think I changed my testimony about Mr. Rohl, to bring out the point about the heart attack, a little bit later in my own testimony.

77. Major CLAUSEN. Oh, yes; you say here, at lines 30 and 31:

(Excerpt from Colonel Hunt's report:)

I just recall that one night he possibly had a heart attack brought on by drinking.

That is all.

78. General RUSSELL. When had you seen that testimony, Miss Schlesinger?

Miss SCHLESINGER. Well, I gave it.

79. General RUSSELL. How long ago?

Miss SCHLESINGER. And it has been quite a number of months ago; I have forgotten.

80. General RUSSELL. And you have not seen it recently?

Miss SCHLESINGER. Yes,

81. General RUSSELL. Last week?

Miss SCHLESINGER. No, I haven't seen it within, oh, three or four months. I did see it when the report was sent out here.

82. General RUSSELL. Now, do you think, if you would hesitate just a little minute, that you could remember some more of the good advice General Bragdon gave you, Monday afternoon?

Miss SCHLESINGER. Yes; I can remember one more thing, now.

83. General RUSSELL. What is it?

Miss SCHLESINGER. He told me, if the Board asked me if they had talked to me, that I was perfectly at liberty to say that they had.

84. General RUSSELL. That is all.

[3300] 85. Colonel TOULMIN. I would like to ask this young lady a question; may I?

86. General GRUNERT. Go ahead.

87. Colonel TOULMIN. When General Bragdon was kind enough to give you this advice, as I understood your testimony he said that if you didn't know, to say you didn't know but you would look up the information and get it; is that right?

Miss SCHLESINGER. That is right.

88. Colonel TOULMIN. Did you make an arrangement that you would report to him what information was asked for?

Miss SCHLESINGER. No, I did not.

89. Colonel TOULMIN. Did he offer to help you get the information?

Miss SCHLESINGER. No.

90. Colonel TOULMIN. Did he offer to have any of the organization over there, Colonel Wyman or Major Lozier or Major Powell, help you get the information?

Miss SCHLESINGER. No.

91. Colonel TOULMIN. Then what was the purpose of his making that suggestion?

Miss SCHLESINGER. Because he knows that I have access to the files there at the office.

92. Colonel TOULMIN. If you had, then why did you need any help by way of advice, if you already knew where to go to get it?

Miss SCHLESINGER. His advice was on my conduct before the Board.

93. Colonel TOULMIN. I see. He was worried about that?

Miss SCHLESINGER. Yes.

94. Colonel TOULMIN. That is all.

[3301] 95. Major CLAUSEN. If General Bragdon had not told you to tell the Board that he had talked with you, would you have told the Board?

Miss SCHLESINGER. I would have.

96. Major CLAUSEN. The advice then was really unnecessary, was it not?

Miss SCHLESINGER. Apparently so.

97. Major CLAUSEN. That is all.

98. General GRUNERT. Are there any other questions?

99. General FRANK. Yes, I have some, I would like to ask.

100. General GRUNERT. Go ahead.

101. General FRANK. What was your position in the beginning of 1941?

Miss SCHLESINGER. When I came out here in February 1941, I organized a construction-contract section to handle the processing of the contract papers.

102. General FRANK. How long did you hold that?

Miss SCHLESINGER. At the end of about two months, they put a man in charge of the section, and I continued to operate under him.

103. General FRANK. And then?

Miss SCHLESINGER. I think that man lasted about—I am estimating now—six months, and he was transferred to another job, and they put another man in charge of the section, who remained in charge until Colonel Wyman left, and then I was given charge of the section again.

104. General FRANK. After Colonel Wyman left?

Miss SCHLESINGER. That's right.

105. General FRANK. You never were his secretary then, were you?

[3302] Miss SCHLESINGER. Never.

106. General FRANK. How did it happen that on this night that you saw Rohl with the heart attack, you happened to be asked down to the office to work in the contract section?

Miss SCHLESINGER. I was called down to the Pleasanton Hotel to get out contract documents on more than one occasion.

107. General FRANK. At 11 o'clock at night?

Miss SCHLESINGER. A telephone call, at 9, 9:30, thereabouts, to come down.

108. General FRANK. Did you get any papers that night?

Miss SCHLESINGER. Not that night, that I saw Mr. Rohl with the heart attack, or drunk, whichever it was.

109. General FRANK. Well, whose office was it—Mr. Rohl's office, or Colonel Wyman's office?

Miss SCHLESINGER. We went into Mr. Rohl's quarters that night, not into the office.

110. General FRANK. Was Colonel Wyman there?

Miss SCHLESINGER. No; he had left.

111. General FRANK. Did you get contracts out for Mr. Rohl, when he had called for them?

Miss SCHLESINGER. I never got contracts out for Mr. Rohl. I wasn't working for him.

112. General FRANK. Who sent for you this night?

Miss SCHLESINGER. Colonel Robinson called me; or, I believe he had somebody call me.

113. General FRANK. Was he there?*

Miss SCHLESINGER. He was; yes.

114. General FRANK. Did he give you any duty?

Miss SCHLESINGER. Not that night.

115. General FRANK. That is all.

[3303] 116. Colonel TOULMIN. What contracts were they you were asked for?

Miss SCHLESINGER. You mean the times that I came down?

117. Colonel TOULMIN. No, the night you went down there; what contracts did he say he wanted you to get?

Miss SCHLESINGER. None whatsoever.

118. Colonel TOULMIN. You just went down there to get out contracts, is that right?

Miss SCHLESINGER. When the telephone call came, it was just simply a request that I come down to the Pleasanton, and as that had happened before, I thought I was going down to work.

119. Colonel TOULMIN. But you did not work?

Miss SCHLESINGER. I did not do any work; no.

120. Colonel TOULMIN. All right, that is all.

121. General GRUNERT. Are there any other questions?

122. Major CLAUSEN. No.

123. General GRUNERT. Do you think of anything else you want to tell the Board? You have an opportunity, now, to get anything off of your chest or your mind, or whatnot, that you may want to inform the Board.

Miss SCHLESINGER. I don't think of anything.

124. General GRUNERT. I wish the Recorder would caution the witness, before the Board.

(Witness admonished.)

125. Colonel WEST. Yes, I will do that.

Miss Schlesinger, as these proceedings are confidential, it is required that you do not discuss with anyone, after you leave, any testimony given by you, or anything which took place here, while you were here, this afternoon. Are you fully aware of that requirement?

[3304] Miss SCHLESINGER. I am, now.

126. Colonel WEST. And you understand that nothing is to be discussed, with anyone?

127. General GRUNERT. Very well. Thank you for coming.

(The witness was excused, with the above admonition.)

(Brief recess.)

**TESTIMONY OF LT. COL. ROBERT W. HAIN, GENERAL STAFF CORPS,
HEADQUARTERS, U. S. A. F. P. O., FT. SHAFTER, T. H.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station.

Colonel HAIN. Lieutenant Colonel Robert W. Hain, General Staff Corps, Headquarters, U. S. A. F. P. O.; Ft. Shafter, T. H.

2. General GRUNERT. Colonel, I believe you are here at the request of a Member of the Board, to identify some documents, so he will lead you to those identifications.

3. General RUSSELL. I furnished you with a memorandum, requesting the production of certain documents from the Adjutant General's files of the Hawaiian Department?

Colonel HAIN. Yes, sir.

4. General RUSSELL. Later, I requested you to reply to that memorandum, telling me what documents you had found, and those that you had not been able to find?

Colonel HAIN. I have the endorsement written up on that, but I have not gotten it down here. I forgot to bring it with me, sir.

5. General RUSSELL. But it will be brought down?

[3305] Colonel HAIN. Yes, sir.

6. General RUSSELL. I wonder if you could make available to me, first, the personal file of General Short. Could you find in that, right

readily, Colonel, a memorandum or a message from the Navy, dated October 16, 1940?

Colonel HAIN. Yes, sir; I have it, here.

7. General RUSSELL. You have just handed me a file, described as "AG201, Short, Walter C. (Gen. O.)"?

Colonel HAIN. Yes, sir.

8. General RUSSELL. All of these documents which you give me have been taken from the Adjutant General's files of the Hawaiian Department?

Colonel HAIN. That is correct.

9. General RUSSELL. These are official files, are they, Colonel?

Colonel HAIN. That is correct.

10. General RUSSELL. Here is the memorandum which is contained in the General Short file, just described, and which is headed, "Note for Commanding General, Hawaiian Department." I will read:

(Memorandum or message from the Navy, October 16, 1940:)

The following is a paraphrase of a dispatch from the Chief of Naval Operations which I have been directed to pass to you:

I wonder if you would read that to the Recorder, if you will, please, sir.

Colonel HAIN (reading):

Japanese cabinet resignation creates a grave situation. If a new cabinet is formed it probably will be anti-American and strongly nationalistic. If the Konoye cabinet remains it will operate under a new mandate which [3306] will not include rapprochement with the United States. Either way hostilities between Japan and Russia are strongly possible. Since Britain and the U. S. are held responsible by Japan for her present desperate situation there is also a possibility that Japan may attack these two powers. View of these possibilities you will take due precautions including such preparatory deployments as will not disclose strategic intention nor constitute provocative actions against Japan.

11. General GRUNERT. It is signed by whom?

Colonel HAIN. It is not signed, sir. It is on a U. S. Naval Communications service blank, and at the bottom it states:

Originator	OPNAV
Action	CINCLANT
	CINCPAC
	CINCAF

12. General GRUNERT. It is presumably outcoming from the Chief of Naval Operations. Does that "OPNAV", there, mean that?

Colonel HAIN. That is correct, sir.

13. General RUSSELL. Colonel Hain, I show you another file, a secret file taken from the Office of the Adjutant General, which is described as "HHD AG 091 JAPAN, BINDER NO. 1." In that there is another message, which seems to have come to the Commanding General from the Adjutant General of the Army. Will you read that, giving its dates, and so forth?

Colonel HAIN. This is a secret radiogram, headed "Washington, D. C., 12:34 p. m., October 20, 1941":

[3307] (Secret radiogram, headed "Washington, D. C., 12:30 PM, October 20, 1941":)

Following War Dept Estimate of Japanese situation for your information STOP Tension between United States and Japan remains strained but no repeat no abrupt change in Japanese foreign policy appears imminent.

(Signed) ADAMS.
1037A.

14. General RUSSELL. Colonel, I show you, from the same file as that from which you have just read, another message, which was signed by the Chief of Staff, to the Commanding General, and ask you to identify that message.

15. General GRUNERT. I would like to ask whether it was signed by the Chief of Staff, or whether his name was appended to said message?

16. General RUSSELL. There may be a very technical difference; I do not know.

17. General GRUNERT. But the Chief of Staff's name appears on that message?

18. General RUSSELL. On the message; yes.

(Secret radiogram, dated Washington, D. C., Nov. 27, 1941:)

Colonel HAIN. This is a secret radiogram.

War Priority, Washington, D. C., 6:11 p. m., November 27, 1941; C. G. Hawaiian Department, Ft. Shafter, T. H., 472 27th:

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibilities that the Japanese government might come back and offer to continue STOP Japanese future action unpredictable but hostile action possible at any moment STOP If hostilities [3308] cannot, repeat cannot, be avoided the United States desires that Japan commit the first overt act STOP This policy should not, repeat not, be construed as restricting you to a course of action that might jeopardize your defense STOP Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary but these measures should be carried out so as not, repeat not, to alarm civil population or disclose intent STOP Report measures taken STOP Should hostilities occur you will carry out the tasks assigned in Rainbow Five so far as they pertain to Japan STOP Limit dissemination of this highly secret information to minimum essential officers.

(Signed) MARSHALL.
116P/27.

[3309] 19. General RUSSELL. Now, is there anything on the records here which indicates the time that this message was received, Colonel?

Colonel HAIN. The only indication here which would indicate the time of receipt is that it was decoded at 2:22 p. m. November 27, 1941.

20. General RUSSELL. Is that the time that the decoding of the message was completed?

Colonel HAIN. Yes, sir.

21. General RUSSELL. In that connection, Colonel, I call your attention to a radiogram which apparently was sent by General Short, referring to that telegram, and ask you to read that into the record and tell us if there is indicated on it what time it was dispatched from the Hawaiian Department.

Colonel HAIN. This radiogram No. 959-27, dated 27 November, 1941, to the Chief of Staff, War Department, Washington, D. C.:

(Radiogram No. 959-27, dated November 27, 1941, to Chief of Staff, War Department, Washington, from Hawaiian Department, is as follows:)

Radiogram 472 to C/S, 27 Nov. 41 1-27.

Report Department alerted to prevent sabotage. Liaison with Navy.

Signed "Short".

This message was encoded at 5:40 p. m., 27 November, 1941. There is nothing on here that indicates what time it was transmitted.

22. General RUSSELL. I did not recall this one when I was examining the records with you, but do you have any records which might indicate the time that that message was sent to the Signal people for encoding? [3310] Colonel HAIN. I know of no record.

23. General RUSSELL. What does this "5:40" indicate? That the encoding of the message had been completed at that hour?

Colonel HAIN. That is correct, sir.

24. General RUSSELL. In other words, it was ready to go at 5:40?

Colonel HAIN. Yes, sir.

25. General RUSSELL. Do you know with a message of that length how long would be required to encode it after it was delivered to the Signal people?

Colonel HAIN. No, sir, I am not familiar with that.

26. General RUSSELL. Colonel, I call your attention to another file which you brought to the Board in response to the notice referred to before. It seems to be HHD AG 384-4, Espionage. I call your attention to a message in that file and ask you if you will be good enough to read that into the record.

Colonel HAIN. This is secret radiogram 114 War KR 189 WD Priority.

WASHINGTON, D. C., 8 42 P, Nov. 28, 1941.

CG, HAWAIIAN DEPARTMENT,

Fort Shafter, T. H.:

482-28th Critical situation demands that all precautions be taken immediately against subversive activities within field of investigative responsibility of War Department paren see paragraph three MID SC thirty—dash forty five end paren stop Also desired that you initiate forthwith all additional measures necessary to provide for protection of you establishments comma property comma and equipment [3311] against sabotage comma protection of your personnel against subversive propaganda and protection of all activities against espionage stop This does not repeat not mean that any illegal measures are authorized stop Protective measures should be confined to those essential to security comma avoiding unnecessary publicity and alarm stop To insure speed of transmission identical telegrams are being sent to all air stations but this does not repeat not affect your responsibility under existing instructions.

And that is signed "Adams" and it was decoded at 10:55 p. m. November 28th, 1941.

27. General RUSSELL. To complete the record, do you have a copy of any reply which was made to that radiogram which you have just read, in your records?

Colonel HAIN. I have a reply to that radiogram which I just read.

28. General RUSSELL. Would you read it to the Board, please.

Colonel HAIN. This is a radiogram: SECRET, PRIORITY, dated 29 November, 1941. It was sent as radiogram No. 986-29th to the Adjutant General, War Department, Washington, D. C.:

Attention your secret radio four eight two twenty eighth comma full precautions are being taken against subversive activities within the field of investigative responsibility of War Department paren paragraph three MID SC thirty dash forty five end paren and military establishments including personnel and equipment stop As regards protection of vital installations outside of military reservations such as power plants comma telephone exchanges and highway bridges comma this headquarters by confidential letter dated June [3312] nineteen nineteen forty one requested the Governor of the Territory to use the broad powers vested in him by Section sixty seven of the Organic Act which provides comma in effect, comma that the Governor may call upon the commanders of military and naval forces of the United States in the Territory of Hawaii to prevent or suppress lawless violence comma invasion comma insur-

rection etc stop Pursuant to the authority stated the Governor on June twentieth confidentially made a formal written demand on this headquarters to furnish and continue to furnish such adequate protection as may be necessary to prevent sabotage comma and lawless violence in connection therewith comma being committed against vital installations and structures in the Territory stop Pursuant to the foregoing request appropriate military protection is now being afforded vital civilian installations stop In this connection comma at the instigation of this headquarters the city and county of Honolulu on June thirtieth nineteen forty one enacted an ordinance which permits the Commanding General Hawaiian Department comma to close comma or restrict the use of and travel upon comma any highway within the city and county of Honolulu comma whenever the Commanding General deems such action necessary in the interest national defense stop The authority thus given has not yet been exercised stop Relations with F. B. I. and all other federal and Territorial officials are and have been cordial and mutual cooperation has been given on all pertinent matters period

That is signed "Short" and was encoded at 2:45 p. m. 29 November, 1941.

[3313] 29. General RUSSELL. Colonel, I show you a file from the Adjutant General's office, Hawaiian Department, AG 370.2, in which a message from the Chief of Staff to the Hawaiian Department, dated December 7, appears. Will you please read that message to the Board?

Colonel HAIN. This is a secret radiogram, 1549 WS Washington, D. C. 74/73 RCA USG ETAT 7 12 18 P, to the CG, Hawaiian Department, Fort Shafter, T. H.

529 7th Japanese are presenting at 1 p. m. eastern standard time today what amounts to an ultimatum also they are under orders to destroy their code machine immediately stop Just what significance the hour set may have we do not know but be on alert accordingly stop Inform naval authorities of this communication period

That is signed "Marshall". Decoded at 2:51 p. m. December 7, 1941.

30. General RUSSELL. Is that 2:51 Hawaiian time?

Colonel HAIN. That is local time, Hawaiian time.

31. General RUSSELL. Could you refer to that radiogram and tell the time that it was dispatched from Washington?

Colonel HAIN. This shows it as being dispatched from Washington at 12:18 p. m., December 7th, 1941.

32. General RUSSELL. Are you familiar enough with the differentiation in time here and in Washington to tell us what time in Honolulu it was when it was 12:18 p. m. in Washington?

Colonel HAIN. I do not recall whether the time differential was the same then as it is now, but if it was the same it would have been—by a rapid calculation I make it 7:43. I may be wrong. 7:42, something like that.

[3314] 33. General RUSSELL. That is about the time of the attack?

Colonel HAIN. A. M.

34. General RUSSELL. In connection with the last message which you have read to the Board, will you please state whether or not on the 9th of December there was received a message from the War Department requesting information on the message of December 7th, 1941?

Colonel HAIN. Yes, sir. This message I have here is headed "P 3 War L 54 WD 1 Extra Urgent".

WASHINGTON, D. C., 2 19 P, December 9, 1941.

CG, HAWAIIAN DEPARTMENT,
Fort Shafter, T. H.:

Five four nine ninth Please advise immediately exact time of receipt of our number five two nine repeat five two nine December seven at Honolulu exact time deciphered message transmitted by Signal Corps to staff and by what staff office received period

That is signed "Colton Acting".

35. General RUSSELL. You do not know who Colton was?

Colonel HAIN. I believe he was Chief of the Signal Corps.

36. General RUSSELL. Have you any record to indicate what reply was made to that message, Colonel?

Colonel HAIN. Yes, I have a radio here.

Secret Extra Urgent Radiogram Number 1087-9th.

CHIEF SIGNAL OFFICER,
Washington, D. C.:

Re your five four nine radio five two nine received Honolulu by RCA seven thirty three morning seventh Stop [3315] This message delivered Signal Office Fort Shafter eleven forty five morning seventh paren this time approximate but within five minutes paren Stop Deciphered message received by Adjutant General Headquarters Hawaiian Department two fifty eight afternoon seventh period

That is signed "Short", and reported as "Secret Extra Urgent 315 pm December 9, 1941."

37. General RUSSELL. I hand you a radiogram dated November 27, 1941, purporting to be sent from G-2, General Miles, at Washington, to G-2 Hawaiian Department, and ask you if you will read that to the Board?

Colonel HAIN. It is a secret radiogram and reads:

P 2 WAR WD Priority.

WASHINGTON, D. C., November 27, 1941.

G-2, HAWAIIAN DEPARTMENT,
Ft. Shafter, T. H.:

473-27th Japanese negotiations have come to practical stalemate Stop Hostilities may ensue Stop Subversive activities may be expected Stop Inform Commanding General and Chief of Staff only

MILER.
144PM.

And over here in pencil are some other markings. It is marked To AG-file. Noted C/S 11/27/41 WCP", with a stamp "Walter C. Phillips," Colonel GAC, Chief of Staff.

This message I just read was decoded at 4 p. m. 27 November 1941.

38. General RUSSELL. May I ask a question or two on these SOP [3316] to clear it up?

Colonel, you have recently made a search of the records of the Hawaiian Department for the purpose of determining whether or not the SOP of that Department of November 5, 1941 had been received in the War Department, is that true?

Colonel HAIN. Yes, sir.

39. General RUSSELL. Did you discover, or not, any letter of transmittal of that SOP of November 5th to the War Department?

Colonel HAIN. No, sir. I discovered no such letter of transmittal.

40. General RUSSELL. What, if anything, did your investigation disclose as to that SOP of November 5th having been sent to the War Department?

Colonel HAIN. The only record which I found on the publication of the SOP separately was in the routing slip correspondence in the unclassified section of the Adjutant General. It merely shows this SOP as having been published by the A. G. on November 8th, 1941.

41. General FRANK. What A. G.?

Colonel HAIN. The Adjutant General, Hawaiian Department, on November 8th, 1941, but there is no distribution whatever shown. I find no record of that.

42. General RUSSELL. In the normal course of things in the Adjutant General's office or in its normal procedure would there have been a letter of transmittal of these SOPs to the War Department?

Colonel HAIN. I am not familiar enough with the Adjutant General's Department, sir, to give an answer to that.

43. General RUSSELL. Would you get this man Earl in readiness [3317]. so at an opportune moment we may call him down here and question him on the distribution of those SOPs?

Colonel HAIN. Yes, sir.

44. General RUSSELL. Now, Colonel, I want to ask you a few questions about the records touching the alert of 1940. I show you the Adjutant General's file 354.2, Special Maneuver File-1940, and call your attention to a radiogram from the War Department, and ask that you identify that and read it to the Board and into the record.

Colonel HAIN. This is a secret radiogram:

20 WVY AB 89 WD Priority.

WASHINGTON, D. C., 11 4 P, June 17, 1940.

COMMANDING GENERAL, HAWAIIAN DEPARTMENT.

Ft. Shafter, T. H.:

Four two eight seventeenth Immediately alert complete defensive organization to deal with possible transpacific raid comma to greatest extent possible without creating public hysteria or provoking undue curiosity of newspapers or alien agents stop Suggest maneuver basis maintain alert until further orders Stop Instructions for secret communication direct with Chief of Staff will be furnished you shortly stop Acknowledge Stop

ADAMS.

9 15 A.

[3318] 45. General RUSSELL. Have you a reply of General Heron's to that message which ordered the alert of June 17, 1940?

Colonel HAIN. I have here, in the handwriting of someone, a message—

46. General RUSSELL. Cable sent 11:30.

Colonel HAIN. Cablegram sent 11:30 p. m., June 17-40, and it is marked, "#1-17th. Secret."

General GEORGE C. MARSHALL,

Chief of Staff:

All antiaircraft observation and security detachments in position with live ammunition and orders to fire on foreign planes over restricted areas and in defense of any essential installation Stop Some local interest in ammunition issue but no excitement Stop Navy inshore and offshore air patrol in operation.

HERRON.

47. General RUSSELL. Do you have another message there relating to this same alert, from the War Department?

Colonel HAIN. I have here a secret radiogram headed:

23 War Jr 123 WD.

WASHINGTON, D. C., 658 PM, *June 19, 1940.*

COMMANDING GENERAL, HAWAIIAN DEPARTMENT,

Fort Shafter, T. H.:

Four three four nineteenth Concerning your one eight four eight June eighteenth period You are authorized to modify gradually measures ordered in our four two eight but adequate guards on a semipermanent basis will be maintained at all [3319] critical points period Guard detachments may be rotated at your discretion period In view of above resubmit your request for funds with concise explanation as to their application under each appropriation subhead period Every effort should be made to avoid publicity and to place maintenance of alert as modified herein on strictly a training basis period
Acknowledge

Signed "Adams 241 PM".

48. General RUSSELL. When does that file show something else was sent from the Hawaiian Department to the War Department on this alert of 1940?

Colonel HAIN. A cablegram sent at 6:20 p. m., June 19, 1940, marked, "#2—19th, Secret," reads as follows:

CHIEF OF STAFF, WAR DEPARTMENT—cable code

Yours of — acknowledged:

Then crossed out but I can still read it:

Alert continues without incident.

That whole sentence is crossed out.

Stop Full aircraft and anti-aircraft precautions will be continued with easing in other lines Stop Local publicity on maneuvers favorable and not excited.

49. General RUSSELL. That is right interesting. Here is a radiogram from General Herron touching the relation of the Navy to that alert of 1940. Will you read that to the Board and into the record?

Colonel HAIN. This is cablegram, secret, marked, "#3 21st June," to "Chief of Staff W. D.":

In interpreting your cables consideration is [3320] given to the fact that Navy here has nothing from Navy Department regarding alert Stop Navy now turning over to Army inshore aerial patrol in accordance with existing local joint agreement Stop Will not modify Army air and anti-air alert before Monday except on further advice from you.

Signed "Herron."

50. General RUSSELL. What is the date of that? 21?

Colonel HAIN. 21 June 1940.

51. General RUSSELL. Well, did the Chief of Staff reply to that message relating to the alert?

Colonel HAIN. I have a secret cablegram, Washington, D. C., 11:20 a. m., June 22, 1940, to Commanding General, Hawaiian Department, Honolulu:

One 22nd reference to your number three June 21st in view of present uncertainty instructions for the Navy other than local naval forces have not been determined continue your alert in accordance with modifications directed in our 434.

Signed, "Marshall."

52. General RUSSELL. That was what date?

Colonel HAIN. That was the 22nd of June.

53. General RUSSELL. Did General Herron send a cablegram to Washington on the 1st of July?

Colonel HAIN. Yes, sir.

54. General RUSSELL. Would you read that cablegram into the record?

Colonel HAIN. This is a cable marked, "4—1st," was encoded at 8:40 a. m., July 1, 1940, and marked, "Transmitted [3321] 10:30 a. m., July 1, 1940":

Cable code to Chief of Staff, War Department, Washington, D. C. Alert on two weeks today. All quiet locally. No ill effects on command except cumulative hours on plane engines and impaired overhaul facilities due to move from Ford Island.

Signed, "Herron."

55. General RUSSELL. Was there any response to this?

Did Herron send another radiogram to the War Department on the 8th of July about the conditions of the alert?

Colonel HAIN. Yes, sir. I have a cable here marked No. 5, the 8th of July. It is marked in handwriting, "Cable code to Chief of Staff 7-8-40 1:00 P. M.":

Three weeks of alert completed today with no unfavorable reactions on personnel but a good deal of wear on motor transportation. Stop No developments in local situation

Signed, "Herron."

56. General RUSSELL. I show you a radiogram of July, apparently July 10th, from the Chief of Staff to General Herron. Does it relate to this same alert of 1940?

Colonel HAIN. Yes.

57. General RUSSELL. Will you read that into the record?

Colonel HAIN. This is a secret cablegram:

WASHINGTON, D. C., 2:45 PM, 10 July 1940.

COMMANDING GENERAL, HAWAIIAN DEPARTMENT,

Honolulu:

Two tenth can you not avoid undue wear on [3322] motor transportation by putting present alert stations on a permanent basis without unfavorable reaction on convenience or morale or personnel question. If this meets your approval submit an estimate for the necessary construction of temporary types as to your shortage of transportation. It is expected that one and one half ton types will be delivered by October first and other types by December first 1940. These vehicles will be placed at ports of embarkation and shipped as rapidly thereafter as transport space permits period. This in reply to your cablegram number five

Signed, "Marshall."

I have one from Herron to Marshall on the 15th of July. You want that one?

58. General RUSSELL. Yes.

Colonel HAIN. Cablegram marked No. 6—15th, cable code to Chief of Staff, War Department, dated 7-15-40:

Alert entering fifth week. Stop As now conducted is without undue strain on personnel or materiel including motors. Stop New construction unnecessary. Stop Navy continues cooperation by outer aerial patrol.

Signed "Herron."

59. General RUSSELL. Any reply to that radiogram?

Colonel HAIN. Reply to that is a secret cablegram:

RE 29 WASHINGTON, D. C., USG 55/54 3.10 PM, 16 July 40.
COMMANDING GENERAL, HAWAIIAN DEPARTMENT:

[3323] Three sixteenth of our number six you are authorized at your discretion to relax alert provisions except that first comma precautions against sabotage will be continued on the basis of instant readiness and second comma aerial patrol measures can be reduced to a training status but so arranged as to be reestablished on an alert basis on short notice

Signed, "Marshall".

60. General RUSSELL. What is the date of that?

Colonel HAIN. 16 July.

61. General GRUNERT. The Board will take a five-minute recess. (There was a brief informal recess.)

[3324] 62. General GRUNERT. All right; you may proceed. You can finish in half an hour, can't you?

63. General RUSSELL. I am going to let Colonel Toulmin put in the part of the orders which he has had a chance to check there, which he desires be made a part of the record; and so far as I am concerned I don't know that there is anything else that I have.

64. Colonel TOULMIN. All right. There is Field Order Number 1 (Mission Orders); Operations Orders, Hawaiian Department, under date of 2 November '40, consisting of pages 1 to 8, inclusive. The record should show that the administrative annexes to this order are omitted because of their volume and lack of immediate pertinency. If the Board is agreeable, the reporter could copy this and leave the original document in the possession of the Department.

65. General GRUNERT. So be it.

(Field Order Number 1 (Mission Orders) is as follows:)

Secret
OPERATIONS ORDERS
HAWAIIAN DEPARTMENT

FIELD ORDERS
No. 1

SECRET
War Plans Section
Auth: C.G., Haw. Dept.
2 Nov. 40 R.C.T.
(Date) (AC of S, G-3)
HEADQUARTERS HAWAIIAN DEPARTMENT,
FORT SHAFTER, T. H.,

(Date) (Hour)

Date and hour this Field Order becomes effective will be announced by orders from this headquarters.

[3325] MAPS: Topographic, Island of Oahu, 1/62,500 (1940 Edition); Terrain Map, Island of Oahu, 1/20,000 (1940 Edition); Island of Oahu, 1/180,000 (1939 Edition); Hawaiian Islands, Eastern Part U. S. C&G.S. Chart No. 4102.

1. *a.* For information of the enemy see Current Summaries of Intelligence.

b. (1) The Army forces and the 14th Naval District, with attached U. S. Fleet units, are charged within the Hawaiian Coastal Frontier and the Coastal Zone thereof with the joint mission of holding OAHU as a main outlying Naval Base and of controlling and protecting shipping in the Coastal Zone. The Hawaiian Coastal Frontier consists of Oahu and such adjacent land and sea areas as are required for the defense of Oahu.

(2) The 14th Naval District with attached U. S. Fleet units, personnel, matériel and installations, will patrol the Coastal Zone, control and protect shipping therein and support the Army forces. It will protect all facilities and installations of the 14th Naval District against sabotage. For details of organization and Execution of Mission, see Annex No. 7, Naval Operations.

(3) For details of separate tasks, see paragraph 14-15, Section IV, JOINT COASTAL FRONTIER PLAN—HAWAIIAN DEPARTMENT AND FOURTEENTH NAVAL DISTRICT (HCF 39).

2. *a.* The Hawaiian Department, supported by the 14th Naval District and such elements of the U. S. Fleet as may be available, will hold at all costs OAHU as a main outlying Naval Base, against attacks by sea, land and air forces, and against hostile sympathizers, by:

[3326] (1) Concentrating on OAHU a highly mobile defense of all arms, held in readiness to repulse any and all forms of attack, to suppress local uprisings, and to prevent sabotage.

(2) Establishing on the main outlying islands military and civil organizations and minimum defense to develop, control and utilize the military resources of those islands and to protect such areas and installations therein as are essential to the defense of OAHU.

b. The Hawaiian Department, in addition, will support the Naval forces.

c. TROOPS:

(1) *Beach and Land Defense Forces:*

Commanding General: The Commanding General, Hawaiian Division.

Troops: The Hawaiian Division—

(Less elements of the 11th Field Artillery Regiment manning 155mm armament (under tactical control of Commanding General, Hawaiian Separate Coast Artillery Brigade), 3d Engineers (less 1st Battalion), Det 11th Ordnance Company (maintenance), Companies "A" and "B", 11th Quartermaster Regiment).

298th Infantry, Hawaii National Guard; Company "A" (less 1 platoon) 1st Separate Chemical Battalion.

72d Separate Quartermaster Company (Bakery).

[3327] 23d Quartermaster Company (Sep) (L. M.) Station Hospital, Schofield Barracks; Bakers and Cooks School, Farriers and Horseshoers School, Post Detachments, Schofield Barracks (less Ordnance personnel).

(2) *Seacoast and Antiaircraft Defense Forces:*

Commanding General: The Commanding General, Hawaiian Separate Coast Artillery Brigade.

Troops: The Hawaiian Separate Coast Artillery Brigade.

Initially, elements of the 11th Field Artillery Regiment to man two (2) 155mm GPF batteries, plus the required command supply and communication personnel for said batteries and selected personnel to augment specified Groupment headquarters.

Post Detachments:

FORT SHAFTER (64th CA (AA)).

FORT RUGER.

FORT DERUSSY.

FORT KAMEHAMEHA.

(All less Ordnance personnel.)

(3) *Hawaiian Air Force:*

Commanding General: The Commanding General, Hawaiian Air Force.

Troops: Hawaiian Air Force (less 86th Observation Sq.), 18th Bombardment Wing (H), 58th Bomb. Sq. (1), 14th Pursuit Wing, 19th Trans. Sq., 17th AB Gp. (R), 18th AB Gp. (R), Post Detachments, Hickam and Wheeler Fields.

[3328] (4) *Department Observation Aviation:*

Commander: The Commanding Officer, 86th Observation Squadron.

Troops: 86th Observation Squadron (C & D).

(5) *Department Engineer Troops:*

Commander: Department Engineer Officer.

Troops: 3d Engineers (less 1st Battalion).

(6) *Department Chemical Troops:*

Commander: Department Chemical Officer.

Troops: Chemical Section, Department Headquarters Detachment.

Hawaiian Chemical Warfare Depot Detachment.

One Platoon, Company "A", 1st Separate Chemical Battalion (initially prior to assignment to Hawaiian Division).

(7) *Department Signal Corps Troops:*

Commander: Department Signal Officer.

Troops: Aircraft Warning Company, Hawaii. 9th Signal Service Company.

(8) *Department Military Police:*

Commander: Provost Marshal, Hawaiian Department.

Troops: Military Police Company, Hawaiian Department.

1st Battalion, 27th Infantry and 11th Tank Company when released to Provost Marshal by Hawaiian Division.

[3329] (9) *Oahu District, Department Service Command:*

Commander: Commanding Officer, Oahu District, Department Service Command.

Troops: To be determined later.

(10) *Hawaii District, Department Service Command:*

Commander: Commanding Officer, Hawaii District, Department Service Command.

Troops: Camp Detachment, Kilauea Military Camp.

2d Battalion, 299th Infantry (Hawaii National Guard).

Howitzer Company, 299th Infantry (Hawaii National Guard).

Civil organization.

(11) *Maui District, Department Service Command:*

Commander: Commanding Officer, Maui District, Department Service Command.

Troops: 1st Battalion, 299th Infantry (Hawaii National Guard).

Company K, 299th Infantry (Hawaii National Guard).

Civil organization.

(12) *Kauai District, Department Service Command:*

Commander: Commanding Officer, Kauai District, Department Service Command.

Troops: Headquarters and Headquarters Company, 299th Infantry (Hawaii National Guard).

[3330] 3d Battalion, 299th Infantry (less companies K and L)

(Hawaii National Guard).

Civil organization.

3. a. The Hawaiian Division will defend OAHU against air, naval and landing attacks and/or raids, and in addition thereto, will

(1) Protest all vital installations on OAHU against enemy sympathizers (including command and fire control cable system), except those located within Police District No. 1, City and County of HONOLULU, or on garrisoned Army and Navy Reservations not under the control of the Division Commander and all observation and fire control stations of the seacoast and antiaircraft artillery defenses.

(2) Protect Hickam Field and Wheeler Field from raids by hostile sympathizers outside those reservations.

(3) Be prepared to exercise Police Control of persons on OAHU, except within Police District No. 1, City and County of HONOLULU and within garrisoned Army and Navy Reservations not under the control of the Division Commander, when so directed by the Department Commander.

(4) Regulate military traffic and circulation on OAHU, exclusive of the area AIEA JUNCTION-NUUANU PALI MAKAPUU HEAD.

(5) Furnish on call direct from Provost Marshal, Hawaiian Department, the following troops:

1st Battalion, 27th Infantry.

11th Tank Company.

b. The Hawaiian Separate Coast Artillery Brigade will defend OAHU against attacks by aircraft, surface vessels and submarines and, in addition thereto, will

(1) Support the Beach and Land Defense Forces.

[3331] (2) Support Naval forces within the range of seacoast armament.

(3) Protect all vital installations on Army Reservations garrisoned by elements of the Hawaiian Separate Coast Artillery Brigade and all observation and fire control stations of the seacoast and antiaircraft defenses.

(4) Cooperate with Army and Navy Air forces in safeguarding friendly aircraft from fire of antiaircraft artillery troops.

(5) Coordinate the operations of all antiaircrafts and seacoast intelligence agencies and will take such action as is necessary to coordinate the seacoast defense with operations of the Inshore Patrol.

c. The Hawaiian Air Force will defend OAHU against attacks by aircraft, Naval vessels, expeditionary forces, and, in furtherance thereof, will conduct operations as follows:

(1) *Offensive Action.* Conduct air operations against hostile naval, air, and expeditionary forces.

(2) *Defensive action.* Reinforced by available ground forces, defend air stations, bases, and auxiliary fields on OAHU against air attack and sabotage. Provide antiaircraft machine gun defense for air planes on ground on all fields.

(3) *Reconnaissance.* Conduct reconnaissance essential to the combat efficiency of the Air Force and to supplement that of naval air forces in securing information of hostile fleet movements.

(4) *Cooperation.* In carrying out the above operations the Hawaiian Air Force may conduct independent [3332] operations or may operate in conjunction with, supported by, or in support of naval air forces, or temporarily under direction of the naval air force commander, as provided in Chapter 2, Joint Action of the Army and Navy, and will cooperate with all forces in direct defense of OAHU. Air Corps base detachments stationed at air fields on the outlying islands will cooperate with local ground forces in the defense of these fields.

d. The 86th Observation Squadron (C&D) will support the defense of OAHU, furnishing observation, liaison, and photographic missions for all echelons of the Command. Requests for missions will be received, coordinated and assigned by this headquarters. The Commanding Officer, 86th Observation Squadron will report to the Department Commander and will arrange for liaison and direct communication between this headquarters and the 86th Observation Squadron.

e. The Department Engineer, with such troops and labor as are assigned under Department control, will assist the Operations of the field forces by means of engineering works. For initial tasks see Annex IV, Engineer Plan, to Administrative Orders No. 1, Headquarters Hawaiian Department.

f. The Department Chemical Officer is charged with the general planning, preparation for, and technical supervision of the use of chemicals, and with such troops as are assigned under Department control will execute the tasks as listed in Annex No. 4, Chemicals. For details relative to use of chemicals, see Annex No. 4, Chemicals.

g. The Department Signal Officer, with such troops and [3233] labor as are under Department control will operate the Department Aircraft Warning Service and will install, maintain and operate all Signal Communication Agencies under Department Control.

h. The Department Provost Marshal, in addition to his normal duties, will—

(1) Protect all vital installations within Police District No. 1, City and County of HONOLULU, exclusive of those located on garrisoned Army and Navy Reservations.

(2) Communicate directly with the Commanding General, Hawaiian Division, when necessary to secure the reinforcements indicated in paragraph 3 a (5), above.

(3) Regulate military traffic and circulation within the area, AIEA JUNCTION-NUUANU PALI-MAKAPUU HEAD.

(4) Exercise such jurisdiction and supervision over all Military Police Forces within the Hawaiian Department as may be necessary to secure prompt action and coordinated effort in accordance with the instructions of the Department Commander.

(5) Be prepared to assist civilian authorities in all Air Raid Precautions, including blackout, radio silence and evacuation of civilians from dangerous areas, when so directed by the Department Commander.

(6) Perform such additional duties as are indicated in Annex No. 5, Provost Marshal, attached hereto.

i. The Oahu District, Department Service Command, will be prepared to carry out its functions and duties as prescribed in the Mobilization Plan, H.D., and establish upon notice from this headquarters the following:

[3334] (1) A labor Procurement Service.

(2) A Food Administration.

j. The Hawaii, Maui, and Kauai Districts, Department Service Command, will carry out their functions and duties as prescribed in the Mobilization Plan, Hawaiian Department, prevent and suppress sabotage and civil disorders, protect loyal citizens, assist naval elements in protection of local installations, and delay and harass operations by an external enemy. Assisted by the Air Corps detachments stationed thereon, defend military airfields against acts of sabotage and raids by small hostile forces, paying particular attention to the defense of MORSE FIELD, BURNS FIELD, AND BARKING SANDS.

k. In addition to his normal G-2 functions, the Department G-2 will—

(1) Establish a counterespionage service that will not only guard against the subversive activities of the external enemy, but will also enable the Department G-2 to keep the Department Commander constantly advised as to the attitude, trend or thought, and probable course of action of the civil population, particularly that of alien extraction. This service will maintain close liaison with the Provost Marshal, with a view to:

(a) Furnishing the Provost Marshal with all information gained through the counterespionage service, of value in the prevention of civil disorders, sabotage and incipient uprisings.

(b) Receiving and evaluating information relative to the internal situation collected by the Provost Marshal [3335-3336] through his agencies set up for the actual control of the civil population.

(2) Collect, evaluate, and disseminate information relative to assemblies of enemy nationals or sympathizers, and overt acts of sabotage and terrorism.

(3) Prepare propaganda and publicity for the encouragement of the loyalty and support of the civil population, particularly that of alien extraction.

x. (1) For Doctrines and Principles of the Defense see Part II, Operations Orders.

(2) For details concerning defense against hostile sympathizers, see Part II, Operations Orders, Annex No. 2, Intelligence, and Annex No. 5, Provost Marshal.

(3) All major units of the defense will cooperate with the 14th Naval District and with elements of the U. S. Fleet in all spheres of action compatible with their missions, armament, and equipment.

(4) For details as to use of Chemicals, see Annex No. 4, Chemicals.

(5) Elements of the 11th Field Artillery Regiment initially assigned to sea-coast defense missions under the tactical command of the Commanding General, Hawaiian Separate Coast Artillery Brigade, will revert to the control of the Commanding General, Hawaiian Division, upon orders from Department Headquarters.

4. See Administrative Orders No. 1, Hawaiian Department.

5. a. See Annex No. 3, Signal Communications.

b. Command Posts:

Hawaiian Department,

Forward Echelon, ALIAMANU.

Rear Echelon, FORT SHAFTER.

[3337-3338] Hawaiian Division,

Forward Echelon, WAIKAKALAUA GULCH, (98.3-92.2).

Rear Echelon, SCHOFIELD BARRACKS.

Hawaiian Separate Coast Artillery Brigade,

Forward Echelon, ALIAMANU.

Rear Echelon, FORT DERUSSY.

Hawaiian Fir Force,

Forward Echelon, ALIAMANU.

Rear Echelon, FORT SHAFTER.

Fourteenth Naval District,

PEARL HARBOR.

District Service Commands:

Oahu District, HONOLULU.

Hawaii District, HILO.

Maui District, WAILUKU.

Kauai District, LIHUE.

By command of Lieutenant General HERRON;

PHILIP HAYES,

Colonel, General Staff Corps.

Official:

Chief of Staff.

R. C. THROCKMORTON,

Lieut. Colonel, General Staff Corps,

Assistant Chief of Staff, G-3.

Annexes:

No. 1, Operations Map.

No. 2, Intelligence.

No. 3, Signal Communications.

No. 4, Chemicals.

No. 5, Provost Marshal.

No. 6, Search of Alien Communities.

No. 7, Naval Operations.

[3339] Custodian	Distribution	Copy No.
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WPD, WD, Washington, D. C.	-----	52

[3340] 66. General RUSSELL. I have here, on the subject of sabotage from the standpoint of the airforces, a special report that was prepared by Burwell. I am attempting to find out what he had to do with it now: H. S. Burwell, Colonel, Air Corps, Special Inspector. It touches this subject of sabotage as it was viewed by the Air Corps at the time, under date of 9th of July, 1941.

I will ask you, Colonel, to read this paragraph two, estimate of the situation.

Colonel HAIN. Paragraph two:

Estimate of the Situation:

a. In respect to the need for increased security for aircraft, supplies and installations, the undersigned has found from the viewpoint of the Commanding Generals of the Hawaiian Department, Hawaiian Air Force, and Hickam Field, that the prevailing attitude of mind toward the immediate need for positive preparations to prevent the success of predictable acts of planned and ordered sabotage does not fully reflect the priority and expressed policy of the responsible officers concerned and therefore must be reported as inadequate.

b. Investigation indicates that a few bold, ruthless and intelligent saboteurs, consisting of inside military operators or civilian employees, could incapacitate Hickam Field or a similar large post on any predetermined night. Also, that the controls now in effect are not and have not been responsible, primarily, for the previous excellent [3341] antisabotage record, but instead that the principal deterrents have resided in the fact that no lone agent or single fanatic has been operating on his own, while in the meantime no organized plan of concerted sabotage has as yet been ordered—

and the words, “as yet been ordered” are underscored.

or contrawise, that orders, without doubt are in effect forbidding premature acts of sabotage. In connection with the growing local union labor problem and the indication of the F. B. I., it should be taken for granted that Germany has prepared a subversive plan of action for Hawaii, similar to her invariable custom, although the existence of the plan may not have been discovered.

c. In view of the precipitous world events that have occurred subsequent to the recently declared unlimited emergency, and to the crucial test now confronting Germany in her war with Russia, it is found that a considerable portion of the command do not see the mental picture of the interplay of relations now existing between inter-continental theatres of war and our local sphere of action.

(1) Hence, the probability of a local reaction in the form of a quick movement order by the War Department, at the behest of the Navy, of heavy reinforcements from the mainland, or vice versa, of quick movement of all heavy bombardment from Hawaii to Panama or to Manila when land bases are prepared on Midway, Wake and Guam, has not been [3342] deduced from such incipient events as; —

67. General RUSSELL. I was attempting to get the Air Corps estimation on sabotage, which I just happened to see. Unless other members of the Board are interested in the remainder of the letter, I am not.

68. General GRUNERT. It is sufficient for me.

69. General RUSSELL. Now, off the record.

(There was colloquy off the record.)

70. General RUSSELL. For the record, I am reading some extracts from Adjutant General's file 381. It is paper numbered 76, which is a letter, Rear Admiral Bloch to General Short, in which he discusses, among other things, the cooperation of the Air Forces of the Army and Navy, in which he says that they have had joint practices heretofore; he is certain that these exercises

have been most helpful to all concerned,

and he hopes that they may be continued.

Further,

continuing the quote,

if on certain occasions the Army desires to initiate similar exercises and would like the cooperation of the Navy, I am quite certain that a mutually satisfactory hour and date can be settled upon for such joint exercises.

In the same file are contained, as a part of the records of the Hawaiian Department, the joint agreements for the defense of the Island of Oahu.

I am reading a letter dated May 29, 1941, or the copy of a letter dated that day, from General Short to Admiral Bloch.

MY DEAR ADMIRAL: In order that you may be acquainted with the steps taken by my command relative to the sabotage matter which you discussed with Colonel Throckmorton [3343] this morning I desire to inform you that during the holiday and week-end I have increased the guard over important installations, and have arranged for more detailed inspections of the guard during this period. Every attempt will be made not to bring this action into the limelight so that the community as a whole will not be aware of the increased surveillance.

I believe this will be sufficient to handle the situation as far as the Army is concerned.

With kindest personal regards,

Very sincerely yours,

WALTER C. SHORT.

[3344] 71. Colonel TOULMIN. This is a report to the Commanding General, Army Air Forces, through the Commanding General, Hawaiian Department, of August 20, 1941, under the title, "Study of the Air Situation in Hawaii," signed by General Martin, commanding the Hawaiian Air Force, together with inclosures, consisting of eight sheets, inclusive of all the papers concerned.

(Study of the air situation in Hawaii is as follows:)

20 August 1941.

Subject: Study of the Air Situation in Hawaii.

To: Commanding General, Army Air Forces, Washington, D. C.

Thru: Commanding General, Hawaiian Department, Fort Shafter, T. H.

1. In compliance with copy of corrected memorandum for the Commanding General, Army Air Forces, OCS 17234-25, from the Secretary, General Staff, dated July 17, 1941, "that a study be made of the air situation in Hawaii", there is attached for consideration of the War Department a plan for the employment of long-range bombardment aviation in the defense of Oahu. This plan clearly presents the air defense of the Hawaiian Islands. Attention is called to the recommendations therein.

2. No increase in personnel of the permanent air garrison of Hawaii is necessary to bring the actual heavy bombardment strength to one group. Under provisions of Table of Basic Allowances No. 1, War Department, dated December 1, 1940, fourteen additional heavy bombardment airplanes will be required to provide a total strength of one group of thirty-five B-17D type airplanes. This

force is so small for the [3345] mission to be performed that it is considered entirely inadequate.

3. When the RDF installation is completed and the 15th Pursuit Group has its full complement of 80 fighters no further increase for pursuit aviation is considered necessary. Provision should be made to maintain at all times the 14th Pursuit Wing at full combat strength of 80 fighters and 105 interceptors. It is contemplated that pursuit aviation will perform its normal mission in the defense of these islands by intercepting and destroying enemy aircraft in the vicinity of or over the Island of Oahu. This is considered an adequate force to perform the pursuit mission in the defense of these islands.

4. A combination medium bombardment-torpedo force is considered highly desirable in order that attack can be made under conditions of low visibility when horizontal bombing is not feasible and is therefore recommended as a component part of the Hawaiian Air Force. (See Study No. 2 in attached plan.)

5. On the assumption that there is a possibility of enemy surface craft reaching the shores of Oahu, one squadron of dive bombers is considered necessary to assist the ground forces in withstanding an invasion effort by concentrating on denying the enemy any opportunity to establish beach heads. The quick and accurate striking power of dive bombers makes them particularly effective for close-in support of the ground forces and this premise is borne out by information contained in intelligence reports received on the war in Europe. Dive bombers would also be employed against hostile surface craft [3346] and submarines which had penetrated close to the shores of Oahu.

6. With the addition of the force of medium bombardment-torpedo airplanes and one squadron of dive bombers no further increase in the number of light bombardment airplanes is required.

7. One additional observation squadron should be assigned the Hawaiian Air Force to supplement the new ground organization of the Hawaiian Department which is being reorganized into two triangular divisions. The ground forces of the Hawaiian Department should be provided with three observation squadrons. At present there is assigned one observation squadron (C&D) and one light bombardment squadron which could be diverted to observation duty.

8. To increase the number of aircraft in the Hawaiian Air Force as outlined in this letter and in the attached plan it is estimated that approximately 3,871 additional men should be assigned. A minimum of 216 combat crews and 180 maintenance crews are necessary to operate 180 B-17D type airplanes. Sufficient personnel are now present in the Hawaiian Air Force to man 70 combat crews and 70 maintenance crews for heavy bombardment aircraft. Additional personnel equal to the differences above should be assigned to the Hawaiian Air Force to meet these requirements. Further personnel increases should be made to activate two medium combination bombardment-torpedo squadrons, one dive bomber squadron, one additional observation squadron and five air base squadrons. The five air base squadrons will be used to maintain the outlying fields tabulated below which will house heavy bombardment squadrons [3347] as indicated. The two Air Base Groups (s) are to be used to maintain Bellows Field and the sites selected for the station of the 15th Pursuit Group.

Barking Sands-----	2
Morse Field-----	2
Hilo-----	1
Lanai-----	1
Parker Ranch-----	1

9. The dive bomber squadron and three observation squadrons with allied services will become, in effect, an air support command and will be stationed at Bellows Field.

10. Tables of Organization prescribe five enlisted men for each heavy bombardment combat crew. For continuous daily operation a minimum of fourteen men will be necessary for each heavy maintenance crew. Using these figures as a basis, personnel requirements have been computed as shown in Inclosure No. 2.

11. There is at present available, under construction and awaiting approval of the War Department, housing for 12,288 enlisted men. This study will require housing for a total of 12,813 men to provide for all Air Corps and associated personnel. This leaves but 525 men to be cared for in a future project which will be submitted when this study has been approved. For detailed analysis of housing see Inclosure No. 3.

1730 CONGRESSIONAL INVESTIGATION PEARL HARBOR ATTACK

12. It is my conviction that by increasing the present strength of the Hawaiian Air Force by one observation squadron, a minimum of one dive bomber squadron, two squadrons of combination medium bombardment-torpedo airplanes [3348] and by increasing the strength of long-range bombardment to a total of 180 airplanes a positive defense of the Hawaiian Islands can be assured without any assistance whatever from the naval forces giving the Navy complete freedom of action.

F. L. MARTIN,
Major General, U. S. Army,
Commanding.

- 3 Incls—
Incl #1—Plan for the Employment of Long-Range Bombardment Aviation in the Defense of Oahu (In triplicate).
Incl #2—Personnel Requirement Recapitulation (In triplicate).
Incl #3—Air Force Housing Facilities (In triplicate).
Basic (Ltr HAF, 20 August 1941, "Study of the Air Situation in Hawaii")

AG 381/264 HDP 1st Ind.
HEADQUARTERS HAWAIIAN DEPARTMENT,
Fort Shafter, T. H., August 1941.

To: Commanding General, Army Air Forces, Washington, D. C.

I concur in this study.
WALTER C. SHORT,
Lieutenant General, U. S. Army,
Commanding.

3 Incls (dup).
[3349-3350] Strength of Hawaiian Air Force (Air Corps Troops Only)

HICKAM FIELD

Units	Auth	Actual	Over	Short
Hq Haw'n Air Force:				
Hq & Hq Sq, Haw'n Air Force	200	203	3	
19th Transport Sq	161	158		3
Tow Target Det	139	4		135
Total Hq Haw'n Air Force	500	365	3	138
18th Bombardment Wing:				
Hq & Hq Sq 18th Bomb Wing	158	194	36	
Hq & Hq Sq 5th Bomb Gp (H)	232	237	5	
23rd Bomb Sq (H)	206	219	13	
31st Bomb Sq (H)	206	217	11	
72nd Bomb Sq (H)	206	222	16	
4th Recon Sq (H)	233	238	5	
Hq & Hq Sq 11th Bomb Gp (H)	232	237	5	
14th Bomb Sq (H)	206	217	11	
26th Bomb Sq (H)	206	215	9	
42nd Bomb Sq (H)	206	223	17	
50th Recon Sq (H)	233	232		1
Hq & Hq Sq 17th AB Gp (R)	131	216	85	
15th AB Sq	145	259	114	
22nd Mat Sq	203	291	88	
23rd Mat Sq	203	304	101	
58th Bomb Sq (L)	192	223	31	
Air Corps Det., Weather	20	28	8	
Air Corps Det., Communications	20	23	3	
Total 18th Bombardment Wing	3, 238	3, 795	558	1
Total Hickam Field	3, 738	4, 160	561	139

WHEELER FIELD

14th Pursuit Wing:				
Hq & Hq Sq 14th Pur Wg	158	142		16
Hq & Hq Sq 15th Pur Gp (F)	204	202		2
45th Pur Sq (F)	175	174		1
46th Pur Sq (F)	175	171		4
47th Pur Sq (F)	175	169		6

[3349-3350] *Strength of Hawaiian Air Force (Air Corps Troops Only)—Con.*

WHEELER FIELD—Continued

Unit	Auth	Actual	Over	Short
[3351-3352] Hq & Hq Sq 18th Pur Gp (Int).....	204	187		17
6th Pur Sq (Int).....	157	161	4	
19th Pur Sq (Int).....	157	155		2
44th Pur Sq (Int).....	157	154		3
78th Pur Sq (Int).....	157	170	13	
Hq & Hq Sq 18th Air Base Gp (R).....	131	358	227	
17th Air Base Sq.....	145	193	48	
24th Mat Sq.....	203	182		21
25th Mat Sq.....	203	137		66
Total 14th Pur Wg and Wheeler Field.....	2, 401	2, 555	292	138

BELLOWS FIELD

86th Obsn Sq (C & D).....	142	141		1
Casual Detachment.....		306	306	
Total Bellows Field.....	142	447	306	1
Total Hawaiian Air Force.....	6, 281	7, 162	1, 159	278
Net overage.....			881	
Auth. Strength of an Air Base Gp (s) (Hq & Hq Sq-AB Sq-Material Sq).....	479			
2 Air Base Groups (s) required.....	958			
1—Bellows Field.				
1—15th Pur Gp (f) at new station.				

[3353] *Strength requirements*

216 combat crews (less 70 now present).....	146
180 maintenance crews (less 70 now present).....	110
146 combat crews @ 5 men each.....	730
110 maintenance crews @ 14 men each.....	1,540
2 medium bombardment-torpedo squadrons @ 217 men each.....	434
5 air base squadrons @ 145 men each.....	725
1 observation squadron.....	155
1 dive bomber squadron.....	210
2 air base groups (s).....	958
Total.....	4, 752
Less present over-strength.....	881
Net total requirement.....	3, 871

[3354] *Air Force housing facilities*

Present strength of Air Force personnel.....	7, 192
Increase as result of this study.....	3, 871
Present strength other services.....	1, 500
Projected increase other services (Bellows & Kipapa).....	250
Total.....	12, 813

Housing Available

	Perma- nent	Mobiliza- tion	Total
Hickam Field.....	3, 278	1, 512	4, 790
Wheeler Field.....	1, 537	441	1, 978
Bellows Field.....		1, 008	1, 008
New Air Base 15th Pursuit Group (Kipapa Gulch).....		1, 294	1, 294
Outlying Fields (other islands) now being constructed or projected.....		3, 218	3, 218
Grand Total.....			12, 288
(Difference) Housing to be provided.....			*525

Inclosure #3.

[3355] 72. General GRUNERT. All right. At this point the point the Board goes to other business.

(Whereupon, at 5:40 p. m., the Board concluded the hearing of witnesses for the day and proceeded to other business.)

[3356]

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[3357] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

THURSDAY, SEPTEMBER 14, 1944

FORT SHAFTER, TERRITORY OF HAWAII.

The Board, at 8:30 a. m., pursuant to recess on Wednesday, September 13, 1944, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF COLONEL THEODORE WYMAN, JR., CORPS OF
ENGINEERS, CHERBOURG BASE SECTION, FRANCE

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station?

Colonel WYMAN. The name is Theodore Wyman, Jr., Colonel, Corps of Engineers. Serial number is O7925. Organization is the Cherbourg Base Section, France, ETO. I am the commanding office of the Cherbourg Base Section.

2. General GRUNERT. Colonel, this Board was appointed to ascertain and report the facts relating to the attack made by [3358] the Japanese armed forces upon the Territory of Hawaii on December 7, '41, and, in addition thereto, to consider the phases which related to the Pearl Harbor disaster of the report of the House Military Affairs Committee, and the latter part is largely concerned with construction activities prior to the attack.

Now, we are after facts or leads to where facts can be found. General Frank, assisted by Major Clausen, has this part of the investigation, so he will propound the questions, and the Board will fill out where it sees fit. General Frank.

3. General FRANK. Where did you start your military career?

Colonel WYMAN. That is, with the United States Army?

4. General FRANK. Yes.

Colonel WYMAN. Washington, D. C.

5. General FRANK. In what capacity?

Colonel WYMAN. As a graduate of the first training camp, Officers Candidate School, and was commissioned a 1st lieutenant in the Engineer Reserve Section on August 15, 1917.

6. General FRANK. When did you get your regular commission?

Colonel WYMAN. After returning from the A. E. F., France, I was stationed in the Chief's office, and, as I recollect it, I was examined by a board of officers who were commissioned in the regular Army, over a period of about three or four days, written examination. The chairman of that board was General Pillsbury. And it seems to me in September 1919—no; that's wrong. Correction: September 1920, 1920, and was commissioned a captain in the regular Army, Corps of Engineers, as of July 1, 1920.

7. General FRANK. Where were you on duty from '35 to '39?

Colonel WYMAN. From '35—well, beginning the first of [3359] January I was on duty in the Missouri River Division, Kansas City, Assistant to the Division Engineer, who is now Major General R. C. Moore, and in July I was, with very little notice, transferred to Los Angeles, California, and appointed District Engineer on or about July 20, 1935, and served as District Engineer at Los Angeles until I departed from the United States on or about September—oh, I think I was relieved about August 25, 1939.

8. General FRANK. Did you ever meet Hans Wilhelm Rohl prior to going to Los Angeles?

Colonel WYMAN. No, sir, I never knew him.

9. General FRANK. When and where did you first meet him?

Colonel WYMAN. The first time I knew Mr. Rohl, met Mr. Rohl, was in my office immediately after assuming duty as District Engineer at Los Angeles. A short time after I reported there bids were opened on a section of the Los Angeles-Long Beach breakwater. Those bids, the advertisement, the specifications, and the entire matter had been handled by my predecessor, who was Major Stickney. The bids were opened a short time after I arrived there, and Rohl-Connolly was the low bidder, and immediately after that, as I recollect it, they called on me in my office relative to their bid for a section of the Los Angeles-Long Beach breakwater.

10. General FRANK. Did you later become friends with Rohl?

Colonel WYMAN. I knew Rohl while I was in Los Angeles, and I wouldn't say that I was ever a friend, but I was an acquaintance and met him several times.

11. General FRANK. The testimony has appeared which indicated that you spent some time in his company under rather intimate [3360] conditions.

Colonel WYMAN. I don't understand the question.

12. General FRANK. Read it.

(The pending question, as above recorded, was read by the reporter.)

Colonel WYMAN. I don't know what "intimate conditions" are. It will be necessary for you to explain that to me. Do you mean social conditions.

13. General FRANK. Yes.

Colonel WYMAN. Social? Oh, yes, I met Mr. Rohl socially.

14. General FRANK. And yet he was not a friend of yours?

Colonel WYMAN. No, no more so than other—other people with whom the District Engineer did business regularly from day to day, just the same as anyone else,

15. General FRANK. Did you carry on the same relations with all other contractors as you carried on with Rohl?

Colonel WYMAN. I met them in my office from time to time as they had business with me.

16. General FRANK. Answer my question, please.

Colonel WYMAN. Maybe I didn't understand it.

17. General FRANK. Did you carry on the same relation with all other contractors that you carried on with Rohl?

Colonel WYMAN. In general, yes, sir. Yes, sir.

18. General FRANK. Who were the other contractors?

Colonel WYMAN. Well, Standard Dredging Company had a job there. Guy Atkinson Company had a job.

19. General FRANK. Who is the head of the dredging company?

Colonel WYMAN. Standard Dredging? I don't know, now. I couldn't recollect his name. The Guy Atkinson Company—

[3361] 20. General FRANK. Did you know Mr. Atkinson?

Colonel WYMAN. Oh, yes. Yes, indeed.

21. General FRANK. As intimately as you know Rohl?

Colonel WYMAN. Oh, I would say I knew Mr. Atkinson more intimately than I ever knew Rohl.

22. General FRANK. Did you go on as many social functions with Mr. Atkinson?

Colonel WYMAN. Well, I met Mr. Atkinson on many occasions at dinners, public affairs, dinners of organizations, dinners of the associated contractors, annual dinners, and that sort of thing, from time to time; yes, I did.

23. General FRANK. Ever on drinking parties with Mr. Atkinson?

Colonel WYMAN. On a drinking party with Mr. Atkinson? Well, I take—a contractors' dinner was usually preceded with the usual cocktails and that sort of thing, and I think that on some occasions—I remember one distinctly where Mr. Atkinson and I had drinks together; yes, sir.

24. General FRANK. That's one?

Colonel WYMAN. That's one occasion.

25. General FRANK. That's all you remember?

Colonel WYMAN. Well, I would have to recollect. There are other occasions when I was with Mr. Atkinson.

26. General FRANK. Besides Mr. Atkinson and the head of this dredging company?

Colonel WYMAN. Well, then I was—the Callahan Construction Company. Well, there were six or eight contractors concerned with the construction of the Prado Dam which I had charge of, which was a group of co-adventurers. I don't remember all their names. One of them was the Callahan Construction Company. [3362] They were the sort of a leading—leading outfit.

27. General FRANK. Who represented them?

Colonel WYMAN. Well, Mr. William Callahan represented them chiefly.

28. General FRANK. Did you know him intimately?

Colonel WYMAN. Oh, I knew Bill Callahan pretty well; yes, sir.

29. General FRANK. Did he always represent the Callahan Company?

Colonel WYMAN. No. The man on the job, right on the ground, was Mr. Paul Grafe, who was the project manager. He was a member of the Callahan Company; yes, sir.

30. General FRANK. How well did you know him?

Colonel WYMAN. I knew him quite well, used to meet him frequently along with business, met him socially with other people. I remember one occasion where Mr. Walter Douglas, the consulting engineer, gave a dinner; I was present and so was Mr. Grafe, Mrs. Grafe. I was a guest in his house on one occasion, with other officers; he entertained at dinner.

[3363] 31. General FRANK. Who are some of these other seven or eight contractors, with whom you were just as intimate as you were with Rohl and Grafe?

Colonel WYMAN. Well, I have named—I said seven or eight. I don't know whom you mean.

32. General FRANK. Well, I do not know whom you mean.

Colonel WYMAN. Well, I know there was Mr. Guy Atkinson. I don't remember the corporate structure of that outfit. There were quite a number of contractors who made up the Prado Constructors, the builders of the Prado dam. Yes, I do, too—I remember some. One was a company from Nebraska. It was headed up by a man named Cunningham—Mr. Cunningham. I knew Mr. Cunningham.

33. General FRANK. How well?

Colonel WYMAN. I knew him quite well. I knew him before he came to Los Angeles to work. I knew him when I was district engineer at Kansas City, Missouri. I think his name is Chetworth Cunningham. He is known as "Chet" Cunningham. He represented some contractors from Omaha, Nebraska.

34. General FRANK. How often did you see him?

Colonel WYMAN. Oh, I would see these people maybe once a month, something like that.

35. General FRANK. How often did you see Rohl?

Colonel WYMAN. Well, at different periods, at different times. In the early 1935, I would say I saw Mr. Rohl once—and '36, too—once every couple of months; '37, '38, very infrequently, except at the time of a disastrous flood in Los Angeles, in the Los Angeles River and the San Gabriel River, which was in March 1938. I remember Mr. Rohl came to my [3364] office and made available to the Government, if they wanted it, his men and his plant, to do emergency work, and I recollect we did purchase some rock from Rohl, which we needed to safeguard government work that was under construction at that time. I saw him quite frequently for a period of three or four weeks.

In 1939, I think I saw Rohl—Mr. Rohl—maybe once or twice during the year, as I recollect it.

36. General FRANK. Where did this rock come from?

Colonel WYMAN. The rock that we purchased from Rohl?

37. General FRANK. Yes.

Colonel WYMAN. Why, I don't remember; but it came from a quarry.

38. General FRANK. Obviously!

Colonel WYMAN. It was delivered by rail.

39. General FRANK. Not by boat?

Colonel WYMAN. No, by rail.

40. General FRANK. All right.

Colonel WYMAN. Oh, speaking of other contractors, I knew "Steve" Griffith, of the Griffith Company, very well. I also knew Connolly, of the Rohl-Connolly Company. I also knew Shirley, of the Shirley-Gunther Company. I also knew Foley, of the West Slope Construction Company, the builders of the San Gabriel dam.

41. General FRANK. Were your relations just as complete and cordial and intimate, from a social point of view, with Foley and Shirley and Connolly and Cunningham and Atkinson, as they were with Grafe and Rohl?

Colonel WYMAN. They were just the same. The district engineer, doing great construction work, which we were, was [3365] bound to be cordial to people working for the engineer department; otherwise, he wouldn't be discharging his duty as district engineer. A cordial relationship existed between most outfits working for the engineer department, who performed faithfully their jobs.

42. General FRANK. So, you had no particular friendship for Rohl?

Colonel WYMAN. No, no particular friendship; no, sir; no more so than I have for any other man with whom I do business.

43. General FRANK. Did you ever do business with Walter Dillingham?

Colonel WYMAN. Yes, sir; I had many contacts with Walter Dillingham, of Honolulu, especially in connection with the construction of docks and some dredging in Honolulu harbor.

44. General FRANK. Were your relations with Walter Dillingham the same as your relations with Rohl?

Colonel WYMAN. I would say, in general, yes. I knew Mr. Dillingham, here. I was a guest at his home, if that is what you mean, and that sort of thing.

45. General FRANK. How many times were you ever in social contact with Mr. Dillingham?

Colonel WYMAN. Why, I was in social contact with Mr. Dillingham at his house on two occasions that I recollect, and once I was a luncheon guest at his farm over on the northwest corner of this island, where he had polo ponies.

46. General FRANK. When you were a guest at his farm, were you invited over there?

Colonel WYMAN. Yes, sir.

47. General FRANK. Or did you go over there to see him about [3366] business?

Colonel WYMAN. No, sir; I was invited there to have lunch with him and to see his polo ponies perform between the trees, there, on a bending exercise.

48. General FRANK. What was Rohl's professional background?

Colonel WYMAN. Rohl? I have that in writing, here, if you would like me to read it to you.

49. General FRANK. How long is it?

Colonel WYMAN. Oh, I would say a sheet of paper.

50. General FRANK. All right.

Colonel WYMAN. I would like to read it. I have prepared a statement here, which is as near as I could do, in the short time I have been

here, concerning the allegations contained in House Report No. 1638, which I would like to introduce in evidence.

51. General GRUNERT. All right, go ahead and read your statement.

Colonel WYMAN. Read my statement? All right, sir.

First, I have a statement of my own qualifications and experience, because I note that my qualifications have been challenged as a district engineer and an officer of our Army.

52. General FRANK. By whom?

Colonel WYMAN. In this congressional document. And I can read this briefly, or just turn it in as an exhibit.

53. General FRANK. Read it.

Colonel WYMAN. Read it?

STATEMENT OF QUALIFICATIONS AND EXPERIENCE OF COLONEL THEODORE WYMAN, JR.,
AS AN ENGINEER OFFICER.

1908 completed three (3) year civil engineering course at Rutgers University, New Brunswick, N. J., class of 1908. During part of this time was employed [3367] with the Pennsylvania Railroad at Long Island as an inspector of construction.

1909, was employed by a contractor, MacArthur Brothers of New York City, as rodman and instrument man.

1910-1917, was employed by the Board of Water Supply, New York City, and the Catskill Water Supply Project. Was employed in various capacities as inspector, instrument man, line and grade parties, and later in charge of subsurface investigations for the Shandaken Tunnel. All on the Catskill Mountain Water Supply projects.

That is 1910 to 1917, seven years.

54. General FRANK. Did you know Douglas McKay?

Colonel WYMAN. Douglas McKay?

55. General FRANK. Yes.

Colonel WYMAN. I don't know who Douglas McKay is.

56. General FRANK. All right.

Colonel WYMAN (reading).

1917, entered the Army. First, Officers' Training Camp; commissioned 1st Lieutenant, 15 August 1917; assigned to the Second Combat Engineer Regiment. Left the United States 10 September 1917 and arrived in France about 3 October 1917.

I was a company commander at that time.

Was engaged on military construction, chiefly construction of camps and housing for the American Army. Served with the Second Division from December 1917 until approximately 15 September 1919. Was present with the Second Engineers and the Division during all combatant periods. In October 1918 for about two weeks the Second Engineers were attached to the Thirty-Sixth Division after the Second Division was [3368] withdrawn from the Champagne battlefield.

I was present.

During this period, was promoted to Captain and later to Major. Received following decorations for services during World War I: Silver Star, Croix de Guerre with palm. Fourageur, French, War Department Orders. Battle record during World War I: Chateau Thierry, Belleau Woods, Battle of Soissons, Verdun Defense, Pontamousson Defense, St. Mihiel Offensive, Champagne Offensive, Champagne Defense, Argonne Offensive, March to Germany, Occupation of Rhine.

1919, upon return to the United States in September 1919 was placed in charge of construction of a bridge across the Republican River at Fort Riley, Kansas.

That is the Clock Bridge, that I presume is still there.

Late in October 1919, was detailed to the Office of the Chief of Engineers and was assigned to the Development of the Equipment Branch of the Supply Division, Office of the Chief of Engineers, and served there until December 1920.

Transferred as Engineer Supply Officer to the Schenectady General Reserve Depot, Schenectady, New York, and was in charge of the development of engineer equipment for the Office of the Chief of Engineers at that place.

That included subaqueous sound ranging, search lights, various electrical gear, being developed specially by the General Electric Company at that place.

In 1923 to 1927, on duty with the Engineer School at Fort Humphries, Va., and was the working member of the Board on Engineer Equipment; developed various items of engineer equipment such as ponton bridges, search lights, water-purification units, and numerous other projects assigned to the Board on Engineer Equipment from time to [3369] time by the War Department.

1927 to 1928, attended the Command and General Staff School at Fort Leavenworth, Kansas, and graduated with the class with the rating of Eligible for the General Staff duty and recommendation for further training in high command.

1928-1929, from 1 July 1928 until September 1929, Assistant to the District Engineer, Kansas City, Missouri.

1929-1933: September 1929 until September 1933, District Engineer in Kansas City in charge of the improvement of Missouri River for navigation, flood control, and development of power. [3370] During this period made "308" studies of the Missouri River and its tributaries and submitted some 23 "308" reports which were eventually submitted to Congress and printed as House Documents. During the period that I was District Engineer at Kansas City I supervised construction costing approximately 70 million dollars.

1933-1935: In 1933, the Kansas City District was divided into three districts consisting of the Kansas City District, the Omaha District and the Fort Peck District, and the Missouri River Division created with Lieutenant Colonel R. C. Moore as Division Engineer. Was assigned as the principal military assistant to Colonel Moore and served in that capacity as his assistant and was in charge of engineering for the Missouri River Division from 1933 to 1935.

1935-1939: Transferred to Los Angeles, California, and made District Engineer, Los Angeles District, and served until September 1939. During this period was in local charge of fortifications in that district, River and Harbor projects, and the flood control work for the Los Angeles County, for both the Los Angeles River and its tributaries and the San Gabriel River and its tributaries, especially the Santa Ana Branch and the building of the flood control dam known as Prado Dam. Was in immediate charge of construction of flood control works in the Los Angeles River and its tributaries including the Hanson Dam and the Sepulveda Dam and planned the entire flood control system which was later adopted as an approved War Department project. During this period, made numerous flood control studies as authorized by Act of Congress from time [3371] to time of the rivers flowing into the Great Salt Lake, rivers flowing into the Colorado River, the rivers of Arizona and New Mexico, and various rivers up and down the coast of California from the Mexican border to San Luis Obispo flowing into the Pacific Ocean. During this period I supervised construction costing approximately 70 million dollars.

1939-1942: In 1939, was transferred to the Hawaiian Department and served from September 1939 to July 1940 as Battalion Commander with the 3rd Engineers at Schofield Barracks. In July, 1940, was appointed District Engineer in Honolulu. While serving as District Engineer in Honolulu was charged with the following projects, among others:

a. Construction of ship channel and seaplane bases at Midway Island and disposition of dredgings for an airplane runway, that is, from the harbor to the island for the purpose of building an airfield.

b. Dredging project for development of Palmyra for Navy outpost.

c. I was Works Progress Administrator and had charge of activities involving principally Army and Navy projects, including repair work on posts, construction of military roads, operation of quarries, construction of airports, also construction of streets and boulevards in the city of Honolulu.

d. Civil works and Navy projects, including survey and construction of seaplane basin at Keshi Lagoon, additional harbor facilities including piers, warehouses, railroad trackage in Honolulu Harbor, [3372] widening and deepening of entrance to Pearl Harbor, dredging operations, and so forth.

e. Civil Aeronautics Authority Projects: This work involved the construction and enlarging of about seven airports to accomodate large commercial planes and large Army bombers.

f. Maintenance of fortifications: This work consisted of repairs to military installations and supply of consumable materials.

g. Emergency defense projects: This work consisted of the construction of underground bombproof ammunition storage, military roads, railroad spurs for use by mobile railroad artillery, observation and fire-control stations, gasoline storage projects, aircraft warning system, and so forth.

h. Air Corps construction projects: These projects consisted of hangars, shops, engine testing buildings, housing, hospitals, landing strips, and so forth.

i. Airway Ferry Routes: This project consisted of making preparatory surveys of airway ferry routes from Honolulu to Australia and the construction of airfields, runways, buildings, gasoline storage facilities, and so forth.

j. Quartermaster Construction Projects: These projects included housing programs, underground storage for refrigerated stores, addition of Tripler Hospital, and so forth.

The Engineer Department was placed under the Commanding General of the Hawaiian Department. I was relieved as District Engineer, Honolulu, in March, 1942, and on the [3373] occasion of my relief I received the following letter of commendation from the Commanding General, Hawaiian Department:

"DEAR COLONEL WYMAN: On the occasion of your relief as District Engineer, Honolulu, and from further duty in this Department, I want to express to you my appreciation of the work which you have done for this Department. Many of the projects under your office were initiated prior to my arrival. The most important single one was opened for use after I arrived, and I am very familiar with the problems which you had to solve in accomplishing this work. The fact that this air route was done at all is remarkable; under peace-time conditions it would have been a very difficult job. Its completion and opening for air traffic under war-time difficulties just 78 days after orders to proceed were received and almost three weeks before the date which you had set yourself is outstanding. The accomplishment of this job required force and initiative of the highest degree, and these same qualities were also required for the excellent progress which has been made on the other projects prosecuted under your direction. I am writing this letter to express my official appreciation of your work. A copy of it is being forwarded to the Chief of Engineers, through the Division Engineer, for your official records.

"With best wishes for the future,

"Very sincerely yours,

"DELOS C. EMMONS,

"Lieutenant General, U. S. Army,
Commanding."

[3374] In 1943 I was awarded the Distinguished Service Medal for services rendered while in Hawaii.

1944: Since the first of August, 1944, I have been in command of the Cherbourg Base Section, which included the Cherbourg Harbor and vicinity.

I left the United States in command of a General Service regiment in July, 1943, and was engaged in the construction of a housing project in West England and had under my command 12 Engineer General Service regiments. I was made the commanding officer of the 19th District of the Southern Base Section, ETO and while serving in that capacity I commanded about 60,000 troops. I was charged with conducting the exercise Duck 1, Duck 2, Beaver, Muskrat, Tiger, Fabius, which were the assault exercises in training the troops for the assault on the continent. Of course, as you know, we assaulted a beach in England, which was also prepared by me and under my charge during this period, and I devised a means of mounting troops and embarking troops which was new in England and adopted for the assault. I was in charge of mounting the 5th Corps, the 7th Corps, and 1st Army troops for the assault.

Immediately after the assault, when the follow-up commenced, I was made Commanding Officer of the 18th District and was in charge of the American buildup to the ports of Southampton, Weymouth and Portland, and in 30 days, from about June 16th to July 16th, I put through those ports 117,000 vehicles and 560,000 men.

About the 16th of July I was transferred to Cherbourg Base Section, which included the Cherbourg Harbor and vicinity. I was put in charge of reconstructing the port facilities of the [3375] port of Cherbourg and of course later charged with the supply of the armies, 1st and 3rd Armies. I was in charge of Omaha Beach, Utah Beach, five small French ports, Barfleur, Eseney, Careton, and Cherbourg.

When I arrived at Cherbourg the tonnage being delivered was zero and when I left France we had gotten the tonnage up to about 14,000 tons per day. We constructed 7,200 feet of wharfage for bridges and ships. At that time we were unloading on good days about 40,000 tons of supplies per day.

57. General FRANK. Did you take over from General Ross?

Colonel WYMAN. General Ross?

58. General FRANK. Yes.

Colonel WYMAN. No, I did not serve under Ross at all. General Ross was in charge of transportation on the staff of the Commanding General of Zone Communications.

59. General FRANK. Who was your immediate chief?

Colonel WYMAN. General Lee.

For services in this connection I was awarded the Legion of Merit, the citation for which reads:

"Colonel Theodore Wyman, Jr., Army Serial No. 07925, Corps of Engineers, United States Army, for exceptionally meritorious conduct in the performance of outstanding service in connection with vast construction projects in the United Kingdom and on the Continent of Europe, during the period from 13 April, 1943, to 25 August, 1944. While serving as Commanding Officer of an Engineer General Service Regiment, Colonel Wyman displayed keen foresight and outstanding initiative in preparing accommodations for the tremendous troop buildup in the Southern Base Section, Communications Zone. Later, Colonel Wyman served as Commandant of the XIX District, and was charged with the responsibility of establishing and carrying out many of the numerous and detailed plans of the 'Duck' exercise. This exercise played a vital part in the amphibious training for the assault on occupied France. The leadership and ingenuity of Colonel Wyman is completely attested to by the successful completion of this exercise. Because of his outstanding performance of duty in former construction projects, Colonel Wyman was assigned as Commanding Officer of the Normandy Base Section, and was charged with the development of various ports, camps and other installations in that part of liberated Europe. His untiring efforts and endless devotion to duty were shown by the rapid manner in which these various ports and installations were restored to usable condition. The professional skill and thorough knowledge of technical problems displayed by Colonel Wyman in completing these many tasks reflects great credit upon himself and the armed forces of the United States. Entered military service from Washington, D. C."

I would like to submit this.

I would now like to introduce a statement of Colonel Theodore Wyman, Jr., covering allegations contained in House Report—

60. General FRANK. Just a minute. I asked you what was Rohl's professional background. We have gotten off the track.

[3377] Colonel WYMAN. I have that in here.

61. General FRANK. Just read that for a moment.

Colonel WYMAN. Professional background?

62. General FRANK. What is this statement that you have there?

Colonel WYMAN. This is a statement covering the allegations contained in House Report No. 1638, 78th Congress, 2d Session, relating to his responsibility for the Pearl Harbor disaster.

63. General FRANK. It is a statement that you have prepared and would like to read into the record?

Colonel WYMAN. Yes, sir.

64. General FRANK. Read it.

Colonel WYMAN (reading):

It has been alleged in House Report No. 1638, 78th Congress, Second Session, that my relations with Mr. H. W. Rohl were improper and impaired my effectiveness as District Engineer at Honolulu during the period immediately before the attack on Pearl Harbor when I was charged with the construction of various defense projects in the Hawaiian and South Pacific Area; and that I delayed and mismanaged these projects to the detriment of the United States, and to the advantage of Japan. (See pages 11, 25, 42 and 45 of the report.)

I was overseas when the House Committee called me as a witness so it withdrew its request. I never knew that I was called as a witness. The House Committee did not call for a single other witness from the War Department in its investigation of this matter. Accordingly, until now there has been no opportunity to answer these allegations which [3378] relate directly to the Pearl Harbor disaster and the alleged extent of my responsibility for this disaster. I offer the following testimony on these matters:

The Congressional report alleges that I developed improper social relations with Mr. H. W. Rohl. To the best of my recollection I met Mr. Rohl for the first time when bids were opened on the Long Beach-Los Angeles breakwater, which was about August, 1935, shortly after I took over the duties of District Engineer at Los Angeles. On that occasion Mr. Rohl came to my office on this business matter. The bid of the Rohl-Connolly Company was the low bid and this contract was awarded to the Rohl-Connolly Company, by the Engineers Department.

Please understand at that time we were operating in peace time conditions under orders and regulations of the Engineer Department, and the District Engineer had no authority to award a contract. The awarding of a contract was by the Chief of Engineers of the United States Army.

65. General FRANK. Who made the recommendation?

Colonel WYMAN. I made the recommendation, because he was the low bidder.

66. General FRANK. Did you have authority to make recommendation that the low bidder be not accepted?

Colonel WYMAN. The low bidder? Oh, no. It was required that he be accepted, by law.

67. General FRANK. Did you have authority to recommend that the low bidder be not accepted?

Colonel WYMAN. No. If a contractor qualified under the law, it was my duty to recommend the low bidder. That is required by the law.

[3379] 68. General FRANK. There is no way in which other than the low bidder can be awarded a contract?

Colonel WYMAN. If he had failed to qualify, if he had no bond, then it would have to go to the next bidder, because a bond is required. If he had had no experience, it would go to the next bidder. But the Rohl-Connolly Company at the time these bids were opened was already engaged in the construction of the first section of this breakwater and the contract was entered into by one of my predecessors as District Engineer at Los Angeles.

69. General FRANK. Proceed.

Colonel WYMAN (reading):

The following year, 1936, the Rohl-Connolly Company were also the low bidders for the balance of this project and were awarded the contract for continuing and

completing this work, on what was known as a continuing contract. They were, in that case, it is my recollection, \$200,000 lower than the next bidder. This work was completed in 1937. During the period from 1935—

70. General FRANK. Is it not a fact that the man on the job has an advantage over a man bidding on the same contract who has to set up for it?

Colonel WYMAN. You mean, an advantage in the bidding? It depends upon whether or not he has the right kind of plant to do the work.

71. General FRANK. He is already on the job and doing the contract. All he has to do is to bid on the continuation of it, whereas an outsider has to come in and set up for it. Therefore, the man on the job has an advantage in the bidding. [3380] does he not?

Colonel WYMAN. Not necessarily, no sir. Very frequently the bid of the man on the job is higher than a competitor, in construction.

72. General FRANK. That is your opinion?

Colonel WYMAN. No, that is a fact. There are many cases of that. Take in the Missouri River work, there are many cases where the man on the job is superseded by another contractor because his bid is lower.

73. General FRANK. That does not necessarily mean that the man on the job could not have afforded to put in a lower bid?

Colonel WYMAN. No. Frequently the man on the job has lost money and is glad to get out of the job, does not want it at all.

74. General FRANK. That is very true.

Colonel WYMAN. Yes.

75. General FRANK. There is an advantage, though, to the man being on the job and already set up to continue the work, is there not?

Colonel WYMAN. If the work would be the same, the advantage would be that he is already mobilized and the expense of mobilization would not be as large as in the case of a new contractor that had to bring his plant there. There would be that saving.

76. General FRANK. All right.

Colonel WYMAN (reading):

During the period from 1935 to 1937, I saw Mr. Rohl, to the best of my recollection, on business relating to these projects not more than once every two or three months.

[3381] In 1938 Rohl-Connolly was awarded a small contract for furnishing stone, amounting to about \$15,000, and in 1939 the Rohl-Connolly Company had no contract from my office. During the period including 1938 and the first nine months of 1939, up to the time I was relieved from duty in Los Angeles, I did not see Mr. Rohl on business more than four or five times.

To the best of my recollection my social contacts with Mr. Rohl consisted of the following:

a. In 1935 my family and I were overnight guests on the Rohl yacht, together with other Army officers. The occasion of this social contact was a pleasure cruise from the mainland to Catalina Island. Incidentally a quarry being operated by the Rohl-Connolly Company was inspected during the cruise of this trip, since the boat allowed an inspection from the water side.

b. In 1936 I was Mr. Rohl's guest on two overnight yachting trips, as I recollect them. One of these trips was a pleasure cruise with other friends. The second trip was from Newport Yacht Club to Los Angeles.

I would like to correct that. One of these trips was a pleasure cruise with other friends from Los Angeles overnight to Catalina Island and return. The second trip was from Newport Yacht Club to Los Angeles.

I had been associated with—

I had been in charge, rather, of—

the PWA project of constructing a yacht basin at Newport, California, and on the occasion of the formal opening of the yacht basin a regatta was [3382] held and I was invited as an honored guest because of my connection with the project as District Engineer. It was very late in the evening when the function was over and I was invited by Mr. Rohl, in view of the lateness of the hour, to return to Los Angeles aboard his boat.

The only other yachting trip I took with Mr. Rohl was an overnight trip on the VEGA, at which time Mrs. Wyman and other guests were present for a pleasure cruise.

There was no excessive drinking on the occasion of any of these yachting trips. In fact on some of these trips Mr. Rohl operated a "dry boat", that is, no liquor at all was served aboard.

To the best of my recollection during my tenure year of office as District Engineer at Los Angeles from 1935 to September 1939, I was entertained in Mr. Rohl's home only twice. On one occasion my wife and I were invited to a dinner party given by Mr. and Mrs. Rohl at their home at which other guests were present. On another occasion I was a guest in Mr. Rohl's home in company with another Army officer. While cocktails were served on these occasions there was no excessive drinking by anyone present.

Mrs. Wyman and I entertained Mr. and Mrs. Rohl in our home on one occasion, and Mr. Rohl was my guest at my club on several occasions together with other Army officers. The hospitality and courtesies that I extended Mr. Rohl through these invitations were in reciprocation of similar courtesies extended to me by him, and was no more extensive [3383] than called for under the circumstances. My social relations with Mr. Rohl were no more extensive or different in nature from my social relations with other contractors and business associates during that period.

Because of my position and functions as District Engineer in Los Angeles, I was frequently an official guest and speaker at a number of dinners and meetings held by professional societies, organizations, and so forth, at clubs and hotels in Los Angeles. On these occasions, while Mr. Rohl was frequently present—being one of the more prominent contractors and businessmen in that area—I was not his guest.

After my transfer to Hawaii I was a guest of Mr. and Mrs. Rohl on only one occasion, which was a small dinner party given by Mr. and Mrs. Rohl at their home. I was invited with my wife.

While I have taken social drinks with my friends and with Mr. Rohl on social occasions, I have never been a heavy drinker nor on any occasion been intoxicated either in the company of Mr. Rohl or other persons.

During the time that I have known Mr. Rohl, I have not received directly or indirectly any loan, gift or any emolument from Mr. Rohl or from any company or organization or person with whom he has been associated. During that period I have never received any present from Mr. Rohl. I have never had relations with Mr. Rohl, either business, professional or social which have in the slightest degree tended to interfere with or hamper in any way my full and proper discharge of my duties or which would normally give [3384] rise to a suspicion that such was the effect.

The Congressional Report contains an allegation that on the morning of the Pearl Harbor attack, I was at the home of Mr. Rohl, having spent the night there, and on being advised of the attack by radio telephone I rushed to my office in civilian clothes and in a drunken condition and then changed from civilian clothes to uniform in the presence of my entire office staff, women as well as men.

I spent the evening of December 6, 1941, at my home in the company of my wife. During the early part of the evening my assistant, Major Robinson and Mrs. Robinson had visited me at home and Robinson and I had engaged in a chess game. While we may have had a drink during the course of his visit, neither of us drank excessively or became intoxicated. I was not at the home of Mr. Rohl at any time on December 6 or December 7, 1941. My assistant, Major Robinson, is alleged in the Congressional Report (page 46) to be my brother-in-law. Major Robinson was not at that time my brother-in-law and is not now my brother-in-law, nor any relation whatsoever.

On the morning of December 7, 1941, I was telephoned by Mr. E. S. Griffith, who now, I believe, lives at Fort Ruger, on this island—who called from Hickam Field

and advised of the attack. I talked with him for some five minutes giving certain instructions. By virtue of War Department Orders in effect during the period of peace which had existed up to that time, I always wore civilian clothes when working at my office. That was a War Department order. With the attack on Pearl Harbor being in [3385] progress and a state of war existing, I felt it was my duty to change from civilian clothes to my military uniform. Because of the fact, however, that I had not been wearing the uniform it was necessary for it to be unpacked, the proper insignia attached thereto and to be otherwise prepared for wear. Wanting to get to my office at once I dressed in civilian clothes and requested my wife to prepare by uniform as soon as possible and send it to me at the office. Some time after arriving at the office my uniform was delivered to me and I changed into it in the privacy of my own private office. I did not change from civilian to military clothes in the presence of my office force of men and women. However, there was present in my office at that time Major Robinson, Lieutenant Butts and Mr. Perliter. It should be noted that other officers followed the same procedure as I did in this respect.

It is alleged in the Congressional report that although it was a general practice in the office of the District Engineer at Honolulu to record telephone conversations relating to the conduct of such activities as placing contracts, nevertheless when I found the girls had been placed in my office to make these recordings of my telephone conversations, I stopped them from doing so on the ground that it was not necessary for anybody to record my conversations.

The only practice that existed in the office of the District Engineer at Honolulu with reference to recording telephone conversations was to record overseas radio telephone calls. This was done principally because of [3386] occasional unsatisfactory reception due to interference, and so forth. There was no telephone recording machine in the office. The practice was for a stenographer to listen to the conversation on an extension and make shorthand notes of the conversation. Usually only one copy of these shorthand notes was transcribed by the stenographer and this copy was delivered to me for my own personal use and personal file. As a rule I destroyed these transcripts of conversation at the time they were no longer useful. However, I have located a few of these transcripts which are still in the file. During my period of service as District Engineer at Honolulu, I did not stop or in any way limit the existing practice of recording telephone conversations.

It is alleged that immediately upon my transfer to Hawaii, and after my appointment as District Engineer at Honolulu in June, 1940, I began planning to have contracts awarded to companies in which Rohl was the controlling factor and that I used every effort in favoring Rohl.

In connection with the allegation that I used every effort in favoring Rohl it should be noted that official records show that during the period of my services as District Engineer at Los Angeles I was charged with the responsibility for about 70 million dollars in construction projects, and that the Rohl-Connelly Company received contracts for less than 4 million dollars of this construction. Furthermore, in each instance in which the Rohl-Connelly Company received a contract it was the lowest competitive bidder.

[3387] While I was District Engineer at Los Angeles I assessed Rohl-Connelly Company some \$8,000 in liquidated damages in connection with delays in its performance of the breakwater contract. Rohl-Connelly contested this assessment, but I was sustained and the assessment was paid.

On becoming District Engineer at Honolulu I was charge with the construction of a number of large projects, including the construction of a ship channel and seaplane base at Midway Island, dredging for development of Palmyra Island as a Navy outpost, enlarging the entrance to Pearl Harbor, and the improvement of Kaneohe Bay. I made no attempt whatever to award contracts for this work to Rohl-Connelly Company or to any company in which Mr. Rohl was a factor. These construction projects involved several million dollars. I elected to perform this construction work directly by hired labor instead of by contractors.

At the inception of the plans for the Hawaiian and South Pacific Defense Construction projects, which were later covered by Contract W-414-Eng-602 with Hawaiian Constructors, I planned and took steps toward doing this work directly with hired labor instead of by having it done through contractors. My plan in this regard was changed, however, by virtue of the issuance of War Department directives adopting the policy of effecting such work through the use of contractors instead of by doing it directly with hired labor.

It should be pointed out that as District Engineer of Honolulu my maximum contracting authority was \$50,000. In view of this limitation I was not in posi-

tion, even if [3388] I had desired to do so, to place a large contract with any company with which Mr. Rohl was associated.

It is alleged in the Congressional Report that there is little doubt but that a substantial part of the defense construction work in the Hawaiian area could have been handled by local contractors or those who were there from the mainland and readily available, but that all other contractors were forced out by me so that Hawaiian Constructors could get the contract. It is further alleged that I apparently made no effort to call local contractors together in order to find out whether they were in position to handle additional work.

On being directed by the War Department directive to use contractors in effecting the Hawaiian defense construction work, I immediately conducted an investigation to determine what qualified contractors would be available for this work. As a result of this investigation, I concluded the Hawaiian Contracting Company was the only local company that could handle the job. I directed my assistant, Major Robinson, to interview Hawaiian Contracting Company in the latter part of November, 1940, on the question of whether they would be interested in undertaking a contract for this work. We were advised that this company could not undertake this work because of commitments they had made to the Navy Department.

Having determined that there were no contractors on the Islands of sufficient size, financial worth and experience, not otherwise engaged, who could undertake this construction, an investigation was made as to the availability of contractors on the mainland of the United States for this job. [3389]

I would like to introduce at this time various correspondence which is revealing and is during this period of negotiation.

It is my recollection that in October, 1940, General Hannum and I made an inspection of Midway Island and while at Midway Island we discussed ways and means of doing the work proposed by the War Department. General Hannum promised that upon his return to the United States he would take the matter up with the War Department, that is, with the Office of the Chief of Engineers, and advise me the results of his investigation.

I have here a letter which I would like to read:

WAR DEPARTMENT,
OFFICE OF CHIEF OF ENGINEERS,
Washington, November 4, 1940.

Via air mail

Colonel WARREN T. HANNUM,

Div. Engr., South Pacific Division, San Francisco, Calif.

DEAR COLONEL HANNUM: Pursuant to our telephone conversation, I am forwarding two copies of the current Cost-Plus-A-Fixed-Fee Contract Form.

Since this work is being done out of fortification money, I discussed the general policy of performing the work by contract with Colonel Mayo and he has just told me that General Kingman approves that method of performing the work. Colonel Mayo will call you.

The Finance Section is now working on a memorandum [3390] of instructions about the use of negotiated and cost-plus contracts. A copy of this will be sent to you as soon as ready. In the meantime, I suggest that you consult Public 703, 76th Congress for the general authority, as well as the current appropriation bills carrying National Defense Money, which you are using.

After you determine the type of contract you wish to use, authority of this office will be required for a negotiated contract in excess of \$50,000 and the approval of The Assistant Secretary of War will be required for a negotiated contract in excess of \$50,000.

That is an error; I think it is a larger sum of money.

The authority to negotiate a cost-plus-a-fixed-fee contract will be required from the Assistant Secretary of War regardless of the amount involved. Furthermore, the name of the contractor selected must be cleared through the Advisory Commission to the Council for National Defense. I therefore suggest that, as soon as you determine the type of contract to use, you submit the matter, with

the name of the contractor you propose dealing with, together with an alternate or two, to this office for the necessary clearance.

Sincerely yours,

E. E. GESLER,
Lt. Col., Corps of Engineers,
Chief, Finance Section.

[3391] On November the 6th another letter from General Hannum to me:

WAR DEPARTMENT,
OFFICE OF THE DIVISION ENGINEER, SOUTH PACIFIC DIVISION,
351 California St., San Francisco, California, November 6, 1940.

Air mail—Clipper

Lt. Col. THEODORE WYMAN, JR., C. E.,
U. S. Engineer Office, Honolulu, T. H.

Dear WYMAN: I inclose herewith a letter received from Colonel Gesler, Office, Chief of Engineers, in reference to negotiated contracts on the basis of fixed price and also cost-plus-fixed-fee. The form for cost-plus-fixed-fee contracts is inclosed.

If you negotiate on the basis of a fixed price, it appears, since you will not have the plans and specifications ready until December 20, that you could not negotiate before that time. After arriving at an agreement, it would take some time to execute it and then an additional month or two before equipment could be placed in Honolulu on the job. On the other hand, if you use a cost-plus-fixed-fee form, negotiations could be conducted without waiting for the detailed plans. Since the contractors interested are mainly on the mainland, it seems to me it would be well for you to come to the mainland to conduct the negotiations [3392] with specified parties on specified dates. We will sit in with you on these negotiations.

Since the Navy contractors over there are on a cost-plus-fixed-fee basis, it occurred to me that a contractor working for you on a fixed price basis would be at a disadvantage since the Navy work is much larger in amount than you would have.

However, I prefer that you examine various methods in the light of existing conditions in Hawaii and come to your own conclusions as to methods and procedure.

Sincerely yours,

/s/ Warren T. Hannum
WARREN T. HANNUM,
Colonel, Corps of Engineers,
Division Engineer.

Pursuant to that letter I journeyed to the mainland and had an interview with Colonel Hannum in which he stated that it was necessary for me to interview at least three contractors, and that he had arranged for Colonel Kelton, the District Engineer at Los Angeles, to get up an itinerary for me to visit in Los Angeles and to interview contractors who would be interested in doing this work.

I stated here that I interviewed people from the West-Slope Contracting Company. They merely called me on the telephone and told me that they were not interested.

Guy Atkinson Company.
Griffith Construction Company.
Bressi Construction Company.
Rohl-Connolly Company.
[3293] West-Slope Contracting Company (Foley Brothers)
Gunther-Shirley Company.
Callahan Company.

I stated here that I interviewed people from the West-Slope Contracting Company. They merely called me on the telephone and told me that they were not interested.

At the time of these interviews, no plans, specifications, or details were available with respect to the proposed construction projects. It was proposed to use a cost-plus-fixed-fee contract for this work, and this represented one of the first major construction projects handled on a cost-plus-fixed-fee contract. Consequently,

very little was known by either the contractors or by the Government representatives as to the exact nature and scope of the contract.

The Guy Atkinson Company stated they would not be interested in the contract on a fee of less than 8%, which was more than could be allowed under regulations.

The Griffith Construction Company, Bressi Construction Company, and the West-Slope Construction Company indicated they were not in position to go to Hawaii or the South—

well, that is immaterial—

to go to Hawaii to undertake the construction of the projects.

The Rohl-Connolly Company, Gunther-Shirley Company, and Callahan Company were at that time associated in a joint venture for the construction [3394] of the Caddoa Dam. At first they indicated they were not interested in going to Hawaii in connection with the proposed construction projects, but on being advised of—

This happened in Washington. I would like to read back and read this later. It is a little garbled.

Prior to coming to California, and when I was thinking of contractors, I invited the Callahan Company to—or requested, rather; not invited—requested them whether or not they would have interest in coming to Hawaii; and they sent two engineers to Hawaii, a Mr. McCullough and a Mr. Wolfe, who went over the general character of the work to be done, and then reported back to their employer, the Callahan Construction Company, and I believe reported favorably.

In the office—later it was agreed that the—now, this is garbled. I'll have to redraft this.

On the first interview Mr. Rohl stated that he would have no interest in a job in Hawaii because he was fully engaged in work at the High Gate Dam at Parker, Arizona. Later he came back—he was present with Mr. Guy Atkinson. Later he came back and stated that he had spoken to Mr. Connolly of his company and that Mr. Connolly would probably be interested and would be glad to see me, and that Mr. Connolly would see me wherever I wanted to see him.

After these interviews, I was directed to go to Washington and to invite these three contractors who had indicated an interest to come to Washington to negotiate this contract. Mr. Paul Grate and Mr. Thomas E. Connolly accepted this invitation and came [3395-3396] to Washington for the purpose of negotiating this contract.

These three contractors were eminently qualified both by experience, financial backing, and size of organization to undertake this work. These companies had previously performed the following large construction contracts for the Government, among others:

Callahan Company:

Madden Dam, Canal Zone.....	\$4, 700, 000
All American Canal, Bureau of Reclamation.....	5, 242, 000
Casper Alceva Dam, Bureau of Reclamation.....	1, 806, 000
Casper Alceva Tunnels, Bureau of Reclamation.....	888, 200
Prado Dam, United States Engineer Department.....	4, 824, 000
New York Aqueduct Shafts, New York City.....	1, 784, 000
Shasta Dam (\$23,000,000) proportionate share.....	2, 000, 000
New York Tunnels, with Associates.....	10, 650, 000
Ft. Isabelle Jetty, U. S. E. D.....	2, 648, 000
Maverick County Irr. District.....	1, 796, 000
New York Barge Canal.....	1, 338, 000

Gunther-Shirley Company:

Mormon Flat Dam, U. S. E. D.....	400, 000
Roads—Wyoming.....	196, 000
Cochella Canal.....	500, 000

Rohl-Connolly Company:

El Capitan Dam, San Diego-----	\$2, 710, 000
Los Angeles Breakwater, U. S. E. D.-----	1, 484, 000
Newport Jetties, City of Newport-----	469, 700
Los Angeles Breakwater #2-----	950, 400
Los Angeles Breakwater #3-----	2, 219, 000
[3397] Seal Beach Jetty for Seal Beach-----	72, 600
Rock Dyke, City of Long Beach-----	199, 100
Headgate Dam, U. S. Indian Service-----	3, 446, 000
Supply Rock, U. S. Navy-----	77, 900
Pt Arguello Breakwater, U. S. Coast Guard-----	135, 000
Dredging & Rip Rap, City of Long Beach-----	60, 000
Redondo Breakwater, City of Redondo-----	457, 800
Hueneme Breakwater, District of Hueneme-----	472, 600
L. A. River Flood Control, U. S. E. D.-----	856, 500

That was done after my time.

Joint Venture:

John Martin Dam, U. S. E. D.-----	\$7, 160, 000
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Furthermore, it should be noted that under regulations in existence at that time, the contractors selected had to be cleared through the Advisory Commission to the Council for National Defense.

At the time I was negotiating for the letting of a contract covering the defense projects, it was very difficult to obtain the services of large, responsible, and experienced contracting organizations because of the greatly increased construction program that was being undertaken in this country. In awarding this contract, I did not in any way force out any contractor or group of contractors who indicated an interest and who possessed sufficient organization, finances, and experience to undertake a job of this magnitude.

The Congressional Report alleges that when I was in Washington with Mr. Paul Grafe and Mr. Thomas [3398] E. Connolly in connection with negotiating Contract W-414-eng-602 that I stayed at the Carlton Hotel from December 17th until December 21st, 1940, at the expense of Mr. Grafe. On inviting the Rohl-Connolly Company, Gunther-Shirley Company, and Callahan Company to send representatives to Washington for the purpose of negotiating this contract, I was advised that Mr. Paul Grafe and Mr. Thomas E. Connolly would come to Washington as representatives of these companies for this purpose. I made arrangements to meet these gentlemen at the Carlton Hotel. On arriving at the Carlton Hotel, I was advised no rooms were available and Mr. Connolly was also without a room. Later in the day it was discovered that Mr. Grafe had made a reservation at the hotel, and he agreed that both Mr. Connolly and myself could use his room until a room could be provided for us.

On completing our negotiations in Washington, Mr. Grafe and I were very anxious to get an airplane flight to the West Coast so that we could be at our homes for Christmas. However, the airline company advised us that no flights were being made from Washington to the West Coast at that time, but advised that we probably could get a flight from New York to the West Coast. Mr. Grafe telephoned me from the hotel while I was at the War Department and gave me this information, stating that he had reserved space on a flight to New York but that we [3399] would have to leave immediately in order to get to the airport in time. Accordingly, I requested Mr. Grafe to pack my things and check me out of the hotel. He did this for me, and I reimbursed him in full for these charges while on the plane en route to New York that same day.

The Congressional Report cites as an alleged illustration of mismanagement of the Hawaiian and South Pacific defense projects on my part the matter of the chartering of the yacht "Vega." The agreement covering the furnishing, operation, maintenance, and supply of the survey ship "Vega" is covered by a supplemental agreement No. 43 (Part I) of Contract No. W-414-eng-602. At the time we were in urgent need of a seaworthy sailing vessel for use in hauling supplies from Suva to the Nandi Airport in the Fiji Islands and for use as a survey vessel in surveying certain proposed air ferry routes in remote areas of the Pacific. It was necessary that the boat not only be of sufficient size and seaworthiness, but also that it be a sailing boat, because in the remote areas in which it would work there were not adequate facilities for refueling. The schooner yacht "Vega" was reasonably well suited for the purposes desired, being 138 feet in length with a beam of 28 feet, and a fast sailing vessel with auxiliary Diesel power. Further-

more, it was known to be fully seaworthy, being constructed of steel and having sailed from the mainland to Hawaii on previous occasions. At that time ships [3400] of this character were very hard to secure because of the great demand for them both by the Army and Navy and other maritime interests.

I telephoned Mr. Rohl and sought to lease the vessel from him but he stated that he did not desire to do so because he thought he would sell the boat and that he had a prospective purchaser for it. Later, however, he agreed to lease the vessel at a rental of \$1.00 per year,"—

76A. General FRANK. Who owned the boat?

Colonel WYMAN. I assume that Mr. Rohl owned the boat. I have no proof that he owned the boat.

Later, however, he agreed to lease the vessel at a rental rate of \$1.00 per year, the Government to pay certain costs incidental to its use and operation. Accordingly Hawaiian Constructors on November 18, 1941, wrote the following letter concerning this matter:

NOVEMBER 18, 1941.

Contract No. W-414-eng-602

Subject: Lease of Mr. H. W. Rohl's boat "Vega"

The DISTRICT ENGINEER,

U. S. ENGINEER OFFICE,

Honolulu, T. H.

In confirmation of verbal authorization given to Mr. Grafe on November 17th,—

Mr. Grafe was the project manager here.

we request your authority for the rental of the subject boat "Vega" belonging to Mr. H. W. Rohl at a rental rate of \$1.00 [3401] per year, the government to pay the following costs incidental to its operation:

1. Preparation of boat for trip from Los Angeles, California, to Honolulu, T. H.
2. Cost of transportation of the boat from Los Angeles to Honolulu.
3. Removal of the present cabins and fixtures and outfitting the boat as a schooner.
4. Upon completion of its services, restoration of the boat to its original condition.
5. Return of the boat to Los Angeles.

The boat is to leave Los Angeles at once and the crew will be placed on the Hawaiian Constructors payroll.

The value of this boat as established and agreed to is \$100,000.00

Very truly yours,

HAWAIIAN CONSTRUCTORS.

By C. C. MIDDLETON.

I authorized the rental of the vessel by the following letter written November 25, 1941.

NOVEMBER 25, 1941.

Refer to file No. ND 600.114-602 560 Vega

Contract No. W-414-eng-602.

HAWAIIAN CONSTRUCTORS,

Pier 2-A, Honolulu, T. H.

GENTLEMEN: In reply to your letter dated November 18, [3402] 1941, and confirming verbal authority previously given, you are authorized to rent the yacht "Vega" from Mr. H. W. Rohl for use on Contract No. W-414-eng-602 at a rental rate of \$1.00 per year, subject to payment of the following costs by the Government:

1. Preparation of boat for trip from Los Angeles, California, to Honolulu, T. H.
2. Cost of transportation of the boat from Los Angeles to Honolulu.
3. Removal of the present cabins and fixtures and outfitting the boat as a schooner.
4. Upon completion of its services, restoration of the boat to its original condition.
5. Return of the boat to Los Angeles.

It is understood that the crew will be reimbursed by the Hawaiian Constructors and that the vessel, valued at \$100,000.00, will leave Los Angeles at once.

77. General FRANK. Who paid for provisioning the boat?

Colonel WYMAN. The operation of the boat?

78. General FRANK. Who paid for provisioning the boat at Los Angeles?

Colonel WYMAN. At Los Angeles? I believe a Colonel Matson, an assistant to the Division Engineer at Los Angeles, issued a purchase order on some outfit to supply the boat with suitable supplies. I know very little about that.

A thorough investigation was made by me to determine the value, ownership and fitness of the [3403] vessel for the work in which it was proposed to be used.

Before the "Vega" could sail from the West Coast to Hawaii it was necessary that the required crew be obtained for it and that it be supplied and otherwise readied for the trip. In addition to this it was necessary to obtain a clearance from the Navy Department for the sailing of the vessel.

The entire matter of taking over the boat, outfitting it for the trip to Honolulu, and putting stores aboard was handled by the Division Engineer of the South Pacific Division at San Francisco. However, I understand that the Division Engineer delegated the job to the District Engineer at Los Angeles.

Several attempts were made to obtain this clearance, and the Navy Department advised that owing to the importance of the safe arrival of this vessel in connection with naval defense projects in the Honolulu District, it was desired that the "Vega" sail with a convoy under escort.. Because of these factors the sailing of the "Vega" was delayed until February 19, 1942, when it departed from the West Coast with a convoy. It arrived in Honolulu about March 9, 1942.

At no time during the period from the leasing of the "Vega" until it arrived in Honolulu about March 9, 1942, were plans for the use of the "Vega" abandoned. While other means were obtained during this period for conducting some of the survey work for which it had been planned to use the "Vega", it [3404] was still necessary to survey other air ferry routes and a vessel was still needed for hauling supplies in the remote areas of the Pacific. The "Vega" was to be used for these purposes. On February 11, 1942, in a telephone conversation between myself and Mr. Scheffauer of the Division Engineer's Office in San Francisco, the question of the use of the "Vega" was discussed. In that conversation Mr. Scheffauer advised that the "Vega" would probably be leaving very soon, and in response to this information I said:

This is from a recorded telephone conversation :

"Col. WYMAN. Yes. I wish they would. We'd like to get it down below on the survey work. I have lots of survey work that has been authorized for a new route south. I'd like to get it over because we could use it for a survey boat.

"Mr. SCHEFFAUER. Yes. It will be leaving pretty soon.

"Col. WYMAN. I see.

"Mr. SCHEFFAUER. Goodbye Colonel."

After the arrival of the boat in Honolulu it was outfitted and made ready to go as quickly as possible under the war conditions that existed in the Hawaiian Islands at that time. The survey crew was sent aboard, and we were waiting for the Navy to clear the departure of this vessel at the time I was relieved as District Engineer at Honolulu. The change in plans which rendered the use of the "Vega" unnecessary did not take place until after my departure [3405] from the Hawaiian Islands. This change in plans is reflected in the letter of April 4, 1942, from my successor to Hawaiian Constructors, which reads as follows:

APRIL 4, 1942.

Contract No. W-414-eng-602.

HAWAIIAN CAMPUS,
Panahou Campus,
Honolulu, T. H.

GENTLEMEN: Reference is made to previous correspondence relative to the contemplated use of the auxiliary schooner "Vega" as covered by Supplemental Agreement No. 43 (Part one) to Contract No. W-414-eng-602.

Due to a change in policy, it has been decided not to utilize the "Vega" as originally contemplated. It is requested, therefore, that the vessel be returned to its owner.

Authorization is granted for the necessary expenditures to return the vessel to the mainland and for restoration to its original condition in accordance with the terms of the charter as revised.

available convey.

You are directed to return the vessel to Wilmington, California, with the next available convoy.

Very truly yours,

/S/ A. K. B. LYMAN,
Colonel, Corps of Engineers, Department Engineer.

Correspondence in the files of the Division Engineer at San Francisco indicates that after the [3406] vessel returned to the mainland it was accepted by the United States Coast Guard and later taken over by the Navy.

UNITED STATES COAST GUARD,
Eleventh Naval District,
Long Beach, California, 28 July 1942.

DIVISION ENGINEER, WAR DEPARTMENT,
South Pacific Division, 351 California Street, San Francisco, California.

(Attn: Legal Section.)

DEAR SIR: Re: YACHT VEGA.

This acknowledges receipt of your letter relative to the above subject.

This yacht was accepted by the U. S. Coast Guard on July 9, 1942, after having been offered by the owner upon Offer Form of the U. S. Coast Guard. The acquiring of the vessel in this respect by offer and acceptance is provided for by the U. S. Coast Guard Auxiliary Regulations.

This yacht, however, has since been taken by the Navy, and the Coast Guard does not have same any longer.

/S/ C. W. Thomas,
C. W. THOMAS,
Lt. Com., U. S. C. G.,
Chief of Staff.

79. General GRUNERT. When you get to a good stopping point we shall take a recess; that is, at the end of any particular topic you have there.

Colonel WYMAN. Yes, sir. This is the end of that subject, the VEGA.

[3407] 80. General GRUNERT. You are through with the VEGA for the time being?

Colonel WYMAN. Yes, sir.

81. General GRUNERT. Ten-minute recess.

(There was a brief informal recess.)

[3408] 82. General GRUNERT. Let us proceed.

Colonel WYMAN. In view of the question put to me about Mr. Walter F. Dillingham, I would like to introduce in evidence a letter from Mr. Walter F. Dillingham, written to me:

(Letter from Walter F. Dillingham to Colonel Theodore Wyman, April 13, 1942:)

WALTER F. DILLINGHAM
Honolulu, T. H.

Cable Address: Retlaw

APRIL 13, 1942.

Colonel THEODORE WYMAN,

In care of the War Department, Washington, D. C.

DEAR TED WYMAN: You were good to write me a good-bye letter on March 17. I was touched by the tribute which you pay to me.

I have thoroughly enjoyed my contacts and work with you during your tour of duty under the most unusual conditions which prevailed. I consider your

accomplishment in establishing and fortifying certain line bases on islands of the Pacific one of the greatest contributions to our war efforts. Perhaps because I was in a position to know what an impossible demand was made upon you, I appreciate how you surmounted the difficulties, secured the equipment, met an unbelievable time schedule, completed the job, and made possible the establishment of a flying service between the United States and Australia. I know of many other important jobs which were pushed through by you under stress of circumstances, and I feel that your [3409] above achievement is deserving of distinguished recognition, and I sincerely hope that this recognition will be given to you.

I trust that in your new assignment to duty you will be given the further opportunity of exercising your talents and ability. My every good wish goes with you, and if and when I can ever be of any assistance in the carrying out of any work in which you are interested, please give me the opportunity.

Sincerely yours,

(Signed) WALTER F. DILLINGHAM.

Continuing my statement :

The congressional report also intimates mismanagement on my part in connection with the purchase of the yacht SOUTHERN SEAS. On the outbreak of the war, I was ordered to take over all of the property of Pan American Airways which had been abandoned by it in the South Pacific area. One item of this property was the yacht SOUTHERN SEAS. On January 9, 1942, I had the following telephone conversation with Colonel Hannum (now General) and Mr. Scheffauer of the Division Engineer Office at San Francisco.

"Colonel WYMAN. Down south, as you know, Panair had abandoned all the establishments, so I have taken them over. I have taken over the stations and also the supplies and whatnot, and of course later on there will have to be a settlement. I had trouble with the French, but no one else. They had down there as you know the SISTER (SOUTHERN SEAS)."

That was a name we adopted for communication purposes.

"Colonel HANNUM. Yes, I wanted to take that up [3410] with you.

"Colonel WYMAN. I'd like to tell you about it, first. They tried to seize that down there, and our people decided it could be used to facilitate our jobs to transport supplies between the various places. I authorized Sverdrup to go ahead and negotiate, either charter or a sale, and he apparently agreed with the people down south and the sale was the thing to do. They asked \$600,000, and I have my doubts that it is worth that much. Deal direct with Colonel Young"—who was a vice president of Pan Air—"whereby we will agree to buy and will agree to pay a substantial sum like \$300,000 and the final price to be subject to approval by qualified people to appraise the value. Don't you think that would be well?"

"Colonel HANNUM. Yes, that is all right. I'd like to have Scheffauer tell you what information he got from the Chief's office about that.

"Colonel WYMAN. All right, sir. I will be glad to talk with him."

The following was my conversation on the same date with Mr. Scheffauer:

"Colonel WYMAN. We took the gas and radio and then came the question of the boat. We want to use the boat from place to place. We have no transportation down there. It is the Panamanian Government"—

that means Pan American Airways.

"The deal was made in New Zealand. I merely gave authority to negotiate it in New Zealand and Australia. They sent in a price of \$600,000. I told the local people here that I would get in touch with San Francisco and the entire arrangement could be made there. I'd like to have this appraised. Don't think it is worth \$600,000 or anywhere near it. What I suggest is that you get authority to negotiate with Colonel Young, of Pan American Airways, [3411] with a view of purchasing. I would rather charter."

83. General FRANK. Is this——

Colonel WYMAN. A telephone conversation.

84. General FRANK. No, just a minute. Is this in the congressional report?

Colonel WYMAN. No, sir; it is about—yes, sir, the SOUTHERN SEAS is in the report.. .

85. Major CLAUSEN. It is in the last pages, from page 47 on.

Colonel WYMAN. (reading) :

"Mr. SCHEFFAUER. We'll see if we can arrange charter.

"Colonel WYMAN. I'd rather enter into an agreement with them to purchase the ship at a down-payment of \$300,000 and to agree to a price to be determined by appraisal. You see what I mean?

"Mr. SCHEFFAUER. Yes.

"Colonel WYMAN. You can do that best in San Francisco. Will you take over, and I will put what I know about it in a radio to you. I don't know very much more than you do about it. The communications down south have been bad, and secret messages have come through pretty badly garbled. You can get in touch with Colonel Young, and you can arrange the whole thing.

"Mr. SCHEFFAUER. All right.

"Colonel WYMAN. What we first did was to take possession for the United States, and then the second thing was, we have no other transportation, and they have been very much handicapped down there. We are getting supplies from Australia, and the boat will do the trick.

[3412] "Mr. SCHEFFAUER. Should we get a crew? You have a crew there?

"Colonel WYMAN. They can get a crew right there. If you can arrange delivery with Colonel Young, and if they want it back, we'll return it to them.

"Mr. SCHEFFAUER. I'll arrange the insurance and everything in case they are willing to charter it.

"Colonel WYMAN. All I know, now, it supplies for the people, and at one time it was a yacht,—"

I think that is garbled, "supplies for the people."

"and at one time it was a yacht, and it was converted, and you can take it up with the maritime people.

"Mr. SCHEFFAUER. I'll find out all about it.

"Colonel WYMAN. Take it up with the Maritime Commission, and get the thing done in accordance with regulations.

"Mr. SCHEFFAUER. I'll get that all cleared up."

The transaction involving the purchase of the SOUTHERN SEAS was from that point on handled to conclusion exclusively by the Office of the Division Engineer at San Francisco, and the Office of the Chief of Engineers, in Washington.

The congressional report alleges that I rushed through the completion of the purchase of certain equipment at an excessive price from Rohl-Connolly Co., because of my expected departure from the Hawaiian Department. It was decided in October 1941 that the equipment in question was needed on Christmas and Canton Islands in connection with the construction work being done there by [3413] Hawaiian Constructors under contract No. W-414-eng-602. It was discovered that the Rohl-Connolly Co. had the needed equipment available at a project it had just completed in Arizona, at Highgate Dam, Parker, Arizona. The Government could either rent or buy this equipment. Since it was to be shipped to these remote islands, it was agreed that the equipment should be bought by the Government. In view of the stepped-up defense construction program under way at that time, equipment of this type was scarce and hard to procure, especially for work in such remote areas.

The equipment was shipped to Los Angeles and reconditioned by the Hawaiian Constructors.

This is wrong. It should read as follows:

The division engineer requested that the office of the district engineer at Los Angeles supervise and check the reconditioning of the equipment and the shipment of it by Army transport to Christmas and Canton Islands. The equipment was shipped by the Army Transport LUDINGTON, I believe. This vessel reached Christmas Island around the first part of December 1941, and part of the equipment was unloaded there. However, before the vessel reached Canton Island to deliver the balance of the equipment there, the attack on Pearl Harbor took place, and the ship was ordered back to the mainland of the United States. On reaching the mainland the balance of the equipment, which is the equipment in question here, was unloaded on the west coast, at San Francisco, I believe. The equipment was delayed on the west coast awaiting reshipment to [3414] Hawaii for use in connection with the defense construction projects being carried on by the Hawaiian Constructors under contract No. 602. While it was awaiting reshipment, additional reno-

vation work was done on the equipment by the Hawaiian Constructors. The equipment was finally reshipped by the Army to Hawaii, where it was put to work in the first part of February 1942.

Due to the extreme pressure of more urgent matters during the period immediately following the Pearl Harbor attack, it was impossible to keep paper work up to date, and accordingly no settlement had been made with Hawaiian Constructors for this equipment up to the time it was known that I was to be relieved. At the time I was relieved, Colonel Lyman—that is, General Lyman, deceased—my successor, directed me to work with him for about a week before my departure in settling claims and other unfinished business of this kind that had been incurred during my administration. I did this, and one of the many claims that was settled during that period was the claim of Hawaiian Constructors for this equipment.

On March 11, 1942, the Hawaiian Constructors wrote a formal routine letter requesting written authority to purchase the equipment in question at stated prices. I had a conference with Colonel Lyman, Major Robinson, and the representatives of Hawaiian Constructors, on the question of the fair value of this equipment. In addition, I had an employee of my office appraise the equipment, and the equipment was actually inspected by me and by Colonel Lyman, together. On the basis of all of the information [3415] so obtained, we officially appraised the equipment and decided that under the circumstances its value was in excess of the prices which Hawaiian Constructors had requested authority to pay. Accordingly, I wrote Hawaiian Constructors a routine letter, formally authorizing the purchase of this equipment at the price stated by it. The statement in the congressional report that I disregarded "the official appraisal" in making this settlement is untrue.

The congressional report alleges that while I was District Engineer at Honolulu and supervising the construction of the defense projects under contract No. W-414-eng-602, I was guilty of mismanagement which contributed to the delay in the installation of vital defense projects, and particularly the aircraft warning system, which projects, it is alleged, lagged beyond any excuse. It is further alleged that because of my mismanagement, the necessary orders to proceed with construction work promptly after the approval of the original contract on 3 January 1941 were not issued, and that no efforts were made on my part to prevent delays, and no complaints were made against the contractor for delays. The report concludes that as a result of this inefficiency on my part, the most important item, the permanent aircraft warning stations, were not complete on 7 December 1941, to the advantage of the Japanese and to the detriment of the United States.

With respect to the general allegation of inefficiency on my part as District Engineer, I submit in rebuttal, as exhibit "A", the report of the Inspector General of the [3416] Hawaiian Department, dated 2 September 1941, three months before the Pearl Harbor disaster, and during the period when contract No. W 414-eng-602 was being administered by my office. This report covers the organization of the office of the District Engineer in Honolulu. The deficiencies noted in this report were minor and were summarized by the Inspector General as follows:

"General: This report on the organization of the office of the District Engineer in Honolulu, deals with the administrative framework which has been set up by that government agency for the supervision of the construction projects that are under its control. This report is informative in nature and is intended to serve as a background for a better understanding of the subsequent reports that will be submitted on the more detailed phases of the inspections of the cost-plus-fixed-fee construction projects in the Hawaiian Department.

"CONCLUSIONS

"27. After a study of the organization of the office of the District Engineer in Honolulu, and preliminary visits to the various construction projects under the supervision of the government agency, the following conclusions have been drawn:

"a. That the system of safeguards, for the protection of government funds, property, and plant (inspection, cost accounting, and auditing), as directed by the Chief of Engineers, have been established by the District Engineer.

"b. That deficiencies do exist within the [3417] organization, apparently caused by inadequate inter-office coordination and a lack of sufficiently-skilled clerical employees. These deficiencies have generally allowed clerical

controls to lag behind the progression of actual construction, resulting in partial failure in the system of cost accounting, procurement, and storage-and-issue.

"c. That conscientious efforts, on the part of the District Engineer and his key assistants, are apparently being made to correct these deficiencies, as soon as they manifest themselves.

"d. That skilled clerical technicians for administrative duties are difficult to obtain because of the large number needed by other competing government agencies and because of higher wages offered by civilian firms for similar services.

"e. That the field areas, established for the prosecution of the construction projects under contract, appear to be well organized and to be working generally in an efficient manner.

"f. That progress on the construction of many projects has been delayed by the shortage of material, which in turn has been caused by (1) the shortage of transportation facilities from the mainland, (2) the inability of local firms to deliver materials on schedule, and (3) the status of defense priorities established for the District Engineer's office."

That is exhibit "A". I will just pile these up.

With respect to the efficiency and organization of Hawaiian Constructors, I submit in evidence a special report, exhibit "B", on the organization of the office of the Hawaiian Constructors, made by the Inspector [3/18] General of the Hawaiian Department, dated 4 November 1941, or one month before the Pearl Harbor disaster. The report shows that irregularities and deficiencies were minor and concern chiefly the property and bookkeeping records, and that these deficiencies were caused principally by the need for additional personnel. The significant paragraphs from the conclusions of this report are:

"9. That the corporation executives are attempting to effect an organization that will insure completion of project construction with the greatest degree of efficiency.

"10. That shortages of building supplies, skilled clerical assistants and trained construction laborers are adversely affecting efficient operations; that these conditions will continue for some time due to the lack of adequate transportation and manufacturing facilities, and to the time required to train personnel properly."

This is "B".

Throughout the period from the signing of contract 602 for the construction of defense projects to the time of my being relieved as District Engineer at Honolulu, I was constantly putting pressure on Hawaiian Constructors, on my own organization, on the Office of the Division Engineer in San Francisco, and on other branches of the service, to expedite and speed up the construction involved. Most of the efforts on my part to expedite these projects were in the form of personal interviews, telephone conversations, and conferences, and there are no written records covering the majority of these instances. In some instances, however, I have been able to locate written records which furnish an example of such efforts [3/19] on my part. I offer in evidence, as exhibit "C", a memorandum dated 20 April 1941, written by me to Hawaiian Constructors covering expediting of AWS projects.

It is a memorandum to the Hawaiian Constructors, and also to the area engineer, Third Field Area, Fourth Field Area, Operations Division, U. S. Engineer Office; Engineering Division, U. S. Engineer Office; Supply and Transportation Division, U. S. Engineer Office; subject, "A. W. S. Jobs":

(Letter by Colonel Wyman, 20 April 1941:)

1. The District Engineer has been notified that AWS materials will begin to arrive in the Hawaiian Islands about June 15.

2. It is incumbent upon all concerned to expedite AWS construction, with the view of early completion.

3. The following action will be taken:

a. The construction of the access road to Mt. Kaala will be double shifted as early as practicable.

b. A job order will be issued without delay for the construction of the access road to the fixed station on the Island of Kauai.

c. The necessary plant and personnel to construct the Kauai road will be mobilized either from plant owned by the Hawaiian Constructors, or rented plant, including operating personnel.

d. A job office under the Fourth Field Area will be opened at Port Allen, Kauai, and supervisory personnel detailed. The job engineer will exercise general supervision over AWS construction on the Island of Kauai, and the development of Barking Sands Airport, as an Army airfield, and the development of Burns Field, when and as [3420] authorized.

(Signed) THEODORE WYMAN, Jr.,
Lt. Col., Corps of Engineers,
District Engineer.

I offer in evidence, as exhibit "D" on this point, a letter dated 23 July 1941, written by me to the Hawaiian Constructors, urging the expediting of AWS projects.

(Letter of July 23, 1941, is as follows:)

JULY 23, 1941.

HAWAIIAN CONSTRUCTORS,
Pier 2-A, Foot of Channel Street,
Honolulu, T. H.

GENTLEMEN: The Commanding General of the Hawaiian Department is extremely anxious to have the AWS Stations at Kokee and Haleakala completed for early use.

You are requested to prosecute the work at those places with sufficient zeal to make them available to the Hawaiian Department for use in the early future.

Very truly yours,

(Signed) THEODORE WYMAN, Jr.,
Lt. Col., Corps of Engineers,
District Engineer.

I also offer a document, "E," containing extracts from the minutes of the weekly meetings of the District Engineer Advisory Control Board which show examples of action taken by me to expedite these projects. This Advisory Control Board consisted of the heads of the [3421] divisions and field areas, and representatives of Hawaiian Constructors. At its weekly meetings, all problems of delay were considered. I have not had time to search the files to discover all written documents showing actions taken by me to expedite these projects, but these are offered as examples of such action.

I will read it.

(Extract from minutes of weekly meetings of District Engineer's Advisory Control Board:)

First meeting, 24 February, 1941:

"Colonel WYMAN. I desire that plans and specifications be prepared and job orders issued for all roads connected with the AWS Service both on the Island of Oahu and the outlying islands, with a view to early commencement of the actual work of construction of these roads. Contractor is ordered to organize the road construction force to construct these roads successively. If any problems relative to curvature and grading of these roads arise, I desire them brought to my attention without delay."

Fourth meeting, 17 March, 1941:

"Colonel WYMAN. Request approved. In view of the emergency existing in connection with the completion of the National Defense Program being conducted by this office, and in accordance with the desires of the Commanding General of the Hawaiian Department, the employment of labor on Sundays and legal holidays and during hours of darkness on authorized projects is approved, for all future operations. Whenever the contractor desires to work on Sundays, legal holidays or during hours of dark- [3422] ness, the Job Engineer or Area Engineer will be notified 48 hours prior to the time, in order that an inspection force may be furnished."

Ninth meeting, 21 April 1941:

"Colonel WYMAN. I have two memoranda here which I will read:" (Reads two memos addressed to Hawaiian Constructors dealing with immediate commencement of work on projects under their jurisdiction.)

Tenth meeting, 5 May 1941:

"Colonel WYMAN. I desire the job orders and plans issued for the commencement of work on the AWS roads at Maui and Hawaii. Equipment for the AWS installations will arrive here about the 1st of July. The Commanding General wants it ready to be put to work without delay."

Eleventh meeting, 12 May 1941:

"Colonel WYMAN. There appears to be considerable confusion and delay in the receipt and distribution of materials from the mainland. I desire the Chief of the Transportation and Supply Division to make a study of this condition with a view to more orderly receipt and distribution of supplies and materials, and to submit his report and recommendations at the next meeting."

At this same meeting:

"GRAFE. Hawaiian Constructors request authority from the District Engineer to have their men consult with the Engineer Department men in connection with this study and procedure."

"Colonel WYMAN. Request approved."

86. General FRANK. May I ask if you intend to read all [3423] those exhibits you have at your hand?

Colonel WYMAN. No, sir; I do not; but I thought I would read this, because it is very important to me that I do have evidence that I did urge this construction.

87. General FRANK. Are those exhibits to be put in?

Colonel WYMAN. They are all exhibits; yes, sir.

88. General FRANK. Can you not, after stating the substance of them, submit them as exhibits and documentary testimony?

Colonel WYMAN. I would like to make one other. You see, we opened with those two, but I did not read them.

89. General FRANK. All right.

Colonel WYMAN (continuing):

Thirteenth Meeting, 2 June 1941:

"Colonel WYMAN. The Federal Government, under the terms of the contract, is obliged to furnish the camp, and pay for all installations for the camp; however, any loss in the operation of the camp due to poor management will be borne by the contractor."

"GRAFE. The contractor wishes to protest against that decision."

"Colonel WYMAN. Hawaiian Constructors propose to protest; however, that is my decision and consequently an audit will be kept, and if the loss is due to poor management, it is not a proper charge against the United States."

* * * * *

[3424] "KESTLY. I should like to bring to your attention that there are quite a few jobs short of labor—Job 5.0 and Job for Mt. Kaala are both short 15 to 20 laborers."

"Colonel WYMAN. I have authorized verbally the employment of Filipino labor at both of these jobs."

An instance comes to mind on the subject of my expediting these projects. In the early summer of 1941, Mr. Grafe, of Hawaiian Constructors, Brigadier General Warren Hannum, the Division Engineer, and I inspected various jobs the Hawaiian Constructors were doing under contract #602. On this occasion I informed Mr. Grafe,

who was in charge for the contractors.

that it would be necessary for him to stay on these jobs continuously from that time on, in order to prevent any delays and deficiencies of work. He complied with my instructions in this regard. General Hannum, the Division Engineer, is a witness to this fact. By the very nature of things, the time of performance of this CPFF contract was not definitely stated, and no penalties were provided for failure to complete performance within any stated time. The reason for this is the large number of uncertainties that existed with reference to the jobs to be done under the contract at the time it was made and the supplemental agreements were executed. It is anticipated by the very terms of the agreement

that many changes would have to be made, both with respect to work to be done and time for completion of work, and in this connection it should be noted that the contract provided that the contractor should do all things necessary for the completion of the work in the shortest possible time and that no guarantee was made that the work would be [3425] completed in any stated period. Notwithstanding the fact that Hawaiian Constructors was constantly pressed for progress, some unavoidable delays did occur which were due primarily to circumstances attendant upon war conditions—such as deficiencies of material, labor, and transportation, which were beyond the control of both the contractor and the Government. There were no delays which could be ascribed to negligence or inaction on the part of either Hawaiian Constructors or the District Engineer's Office.

[3426] One cause of delay in effecting the completion of these defense projects was the difficulty experienced in getting relatively high priorities for this Hawaiian construction work. In this connection it should be noted that Engineer Department instructions to contracting officers directed that under the standard form of construction contract, where completion was delayed through the observance by the contractor of a voluntary preference obligation assumed at the instance of the government under the system of priorities established by the Army and Navy Munitions Board, contracting officers should grant such extensions of time of performance as were warranted by the facts in each case. In connection with the difficulties experienced in getting high priorities for Hawaiian construction work during this period, I offer in evidence, as Exhibit F, an exhaustive study prepared by the Office of the Chief of Engineers on this subject. It will be noted from this report that until June, 1941, constructions projects in Hawaii were rated on the same basis as similar projects in continental United States, and were not rated as projects in Panama, which were uniformly rated A-1-b. This study very significantly points out:

"The isolation location of Hawaii presented difficulties in procurement and transportation from the mainland which the Commanding General, Hawaiian Department, reported to the Adjutant General in letters dated 4 June, 1941, 3 July, 1941 and again in a letter dated 28 July, 1941. The Office of the Chief of Engineers, based upon a telephone request from the Division [3427] Engineer, South Pacific Division, dated 13 May, 1941, for a priorities rating on the aircraft warning service (Contract W-414-eng-784, for the cableway for Mount Kaala), received and A-1-f rating. This rating was not considered sufficiently high by the Division Engineer since the 'Commanding General considers it urgent and necessary that the aircraft warning system be completed and placed in operation without delay.' A rating of A-1-c was obtained by the Office of the Chief of Engineers from the Army and Navy Munitions Board on 17 June, 1941.

"Individual requests for ratings and for assistance in obtaining equipment, material and supplies for Hawaii have been received from Hawaii directly or through the Division Engineer. The assistance the Office of the Chief of Engineers had been able to render was not spectacular because the Army and Navy Munitions Board had to be guided by the Priorities Directives. Since the Hawaiian construction projects were considered in the same defense category as domestic projects, the priorities ratings in the early part of 1941 were A-1-g. It was not until July, 1941, that certain projects were authorized ratings of A-1-c. The general authorization to assign a rating of A-1-c to all contracts in Hawaii, even though Panama was authorized an A-1-b, was not favorably considered. Each contract had to be submitted separately to the Army and Navy Munitions Board for a priorities rating and for a priorities certificate, [3428] even though it was known beforehand what ratings the priorities directive authorized. It was not until 8 August, 1941, that the Office of the Chief of Engineers could advise the Division Engineer by teletype that a rating of A-1-c could be applied to all contracts in Hawaii and to any critical list item. It was not until 20 August, 1941, that an Army and Navy Munitions Board directive was published containing this authorization."

Attention is particularly invited to the tabulation forming a part of this exhibit, pertaining to the aircraft warning system. This shows that a request was made for a highest possible rating for the aircraft warning system and that it was assigned a lower rating of A-1-c. It reveals, further, that a request was made for an A-1-b rating for the cableway needed for the Kaala Station, but that an A-1-c rating was obtained. This was followed up by other requests for still higher ratings for this particular job.

In the light of the shortage of critical materials and the assignment of higher priority ratings to projects in other areas, the foregoing demonstrates that delays in the construction of defense projects in the Hawaiian Islands were

caused by the low priorities assigned and issued to the Hawaiian area. Every effort was made by all echelons in the Corps of Engineers and also by the Commanding General of the Hawaiian Department to get better priorities but such requests were only partially granted. In addition to this, request was made for authority to stock-pile [3/29] certain essential materials as lumber and cement in the Hawaiian Islands but this request was disapproved. Under regulations then existing, materials paid for by funds allocated for certain projects had to be earmarked and could be used only for such projects. These conditions greatly retarded the construction of these defense projects including the aircraft warning system.

Another cause of delay peculiar to the Haleakala aircraft warning site was involved in the necessity of securing the permission to use this site from the Interior Department. A discussion on the use of National Park land for this site took place between the War Department and the Department of the Interior prior to March, 1941. In January, 1941, Headquarters, Hawaiian Department, in a 5th Indorsement dated 3 January, 1941, to basic letter—subject: "Transfer to War Department of Haleakala and Maunaloa Sites, T. H.," which was directed to the Adjutant General—stated that careful consideration had been given to other sites suggested by the Parks Service but that they did not meet the necessary requirements. I offer in evidence as Exhibit G, showing the objection of the Department of the Interior to the transfer of land for the A. W. S. project, a wire from the War Department to the Commanding General, Hawaiian Department, dated March 3, 1941. In this connection I offer in evidence, as Exhibit H, a copy of a wire dated 4 March, 1941, from the Commanding General, Hawaiian Department, to the Adjutant General, advising that the Haleakala site was a most important one and protesting the submission of the matter to the Interior Department because of the [3/30] delay involved. In addition I offer in evidence, as Exhibit I, a wire to the Commanding General, Hawaiian Department from the War Department, dated 12 March, 1941, which authorized the Commanding General to make final decision on design and layout and other details of construction for A. W. S. projects in Hawaii, but subject to the approval of the Department of the Interior of all such projects located in National Park sites. It should be noted from this telegram that the occupancy of the needed 40-acre tract was positively refused by the Interior Department at that time, but that the Park Service, with the concurrence of the Hawaiian Superintendent, would recommend approval of the Red Hill site for use by the War Department with the understanding that the Department of the Interior approve the installation and buildings. At that time the Commanding General still desired an area at the summit of Red Hill and an area of approximately 40 acres lower down on the mountain for the construction of a base camp. I offer in evidence, as Exhibit J, a letter from General Marshall, Chief of Staff, to the Commanding General, Hawaiian Department, dated 15 March, 1941, in which it is stated that the Commanding General should continue to seek the Park Commission's approval for the use of the desired land. I also offer in evidence, as Exhibits K and K-1, a letter dated 29 May, 1941 from the Adjutant General to the Commanding General, Hawaiian Department, stating that the National Park Service had finally approved the building designs, the layouts, and was issuing a special use permit for the camp site. I also offer in evidence, as Exhibit K-2, a [3/31] copy of a 1st Indorsement dated June 11, 1941, from me to the Commanding General, Hawaiian Department, stating that I planned to commence construction on the work at an early date.

Under the pre-war administrative procedures prescribed at that time in connection with the construction of these projects, it was necessary to clear a great many phases of this program with various government agencies and different branches of the military establishment. Demonstrating this point I have prepared and submit as evidence Exhibit L entitled "Necessary Principals, Decisions or Actions in Connection with AWS Station by Various Authorities." This exhibit shows that eight other agencies or authorities had to be consulted and gave their approvals at various stages in the development of the project; and that of the 12 principal steps listed, the District Engineer, as the contracting agency, had exclusive authority in only three.

In the Hawaiian Department it was necessary for these inter-departmental approvals, which resulted in a constant interchange of information, especially between the Signal Corps and the Department Engineer, representing G-4, and the District Engineer. The concurrences of the Signal Corps were necessary in every change made, and before any part of the work could be started. The Department Engineer, representing the Commanding General, also had to give

his approval. I have recently gone through the files and there are literally hundreds of staff memoranda illustrating this point.

As an example of the time-consuming process I introduce [3432] in evidence as Exhibit M a memorandum dated 14 February, 1941, written by me to the Department Engineer requesting the approval of certain preliminary sketches and plans. As a further Exhibit, M-1, I introduce in evidence the first indorsement of the Department Engineer showing a partial approval and partial disapproval, a change in the proposed work, and a direction that one item be delayed until further instructions. I give this merely as one example of hundreds of such instances.

It should be borne in mind that this tedious process was in effect not only with respect to the AWS construction projects, but also with reference to the some 148 other construction jobs underway at that time.

In considering delays in the completion of the AWS projects, it should be borne in mind that at that time both the designing agency and using service (which in both instances was the Signal Corps) was working with a project which was still in the development and experimental stage, and was new not only to the military establishment but to the scientific world. Of necessity progress was slow because of the fact that few people could be considered experts in this field.

I now propose to analyze the chronological history of the four elements of the AWS system which constituted the approved project for permanent stations when the Hawaiian Constructors Contract No. 602 was received by the District Engineer, as approved on 6 January, 1941. In this connection it should be noted that the expanded final AWS program was not approved until 4 December, 1941, [3433] three days before Pearl Harbor.

I offer in evidence as Exhibit N a study entitled "AWS Information Center, Fort Shafter, Oahu, J. O. 39.0." It will be noted from this exhibit that the actual location of the structure at Fort Shafter was not fixed until 9 April, 1941, and that the structure was expanded in extent, which necessitated a revised layout which was not approved by the Commanding General of the Hawaiian Department until 5 October, 1941.

I also offer in evidence as Exhibit O, a memorandum dated 18 April, 1941, from me to the Commanding General, Hawaiian Department, submitting the general plan and sections for the AWS information center, and Exhibit O-1, the first indorsement of the Hawaiian Department directing the holding in abeyance of the design in view of the instructions received that this station would be combined with the Command Post of the Hawaiian Air Force and the Antiaircraft Groupment. For this revised and enlarged project special tunnel equipment would be needed. However, the equipment on hand at that time would allow only the employment of hand methods. The nature of the job was such that the six months estimated for its construction was not excessive. This resulted in the estimated date of completion falling subsequent to the Pearl Harbor attack. The actual excavation on this project was finished 31 October, 1941, but at that time the using service had not yet decided on the interior arrangements with the result that the sidewalls could not be properly completed. For this reason the actual percentage of completion on 7 December, [3434] 1941, was 72 percent. During the period immediately after Pearl Harbor these tunnels were used as bomb shelters to protect the civilian population—

and the women and children of officers' families stationed in this area:

This further delayed their completion, which was not affected until some time in 1942.

The files revealed that the following dates are shown for the approval of layout plans covering the three fixed AWS stations: Mount Kaala, 6 March, 1941; Kokee on Kauai, 20 March, 1941, and Haleakala on Maui, 17 March, 1941. The time between the date of the receipt of the final approval of the contract, 6 January, 1941, and these approval dates had been consumed in making necessary detailed surveys and preparations of layout and plans for submission. During this period of time very little work could be started because necessary construction equipment was not available on the island and was being procured. In this connection I offer as Exhibit P a letter dated 6 January, 1941, to Hawaiian Constructors from the Division Engineer, granting authority to Hawaiian Constructors to purchase equipment needed for this project. This schedule of equipment had been worked up while I was in the United States in connection with the negotiation of the contract, and was released at San Francisco immediately after the receipt of the Under Secretary of War's approval of the

contract. It will be noted that the total amount of the needed equipment ordered under this authority is approximately \$275,000. At this time the contracting authority [3435] of the District Engineer was limited to \$50,000 in such cases.

I merely cite this as an illustration of the peacetime restrictions and limitations on my actions that were still in effect during the administration of Contract No. 602. It was not until after the attack on Pearl Harbor that contracting limitations and other restrictions upon the authority of the District Engineer were considerably relaxed.

In understanding the construction of the AWS installations at Mount Kaala, Haleakala, and Kokee, it should be kept clearly in mind that the District Engineer was to design and build the access road, the utilities, buildings necessary for living quarters, and communications buildings. The using service, the Signal Corps, was to design and furnish the tower and detector stations and the power buildings at the station sites. The District Engineer was to erect the tower and detector stations and power buildings upon delivery of the components at the station sites. The District Engineer was also to install the power unit in the main power building and also to install the fuel oil tanks upon delivery of these items by the Signal Corps at the station sites. The Signal Corps was to furnish and install the equipment in the communications buildings and in the detector stations.

The construction of these facilities was rendered very difficult because of the fact that all of the sites were at very high elevations and base camps had to be established at convenient living locations some distance [3436] below the site of the AWS installations. Furthermore, it should be borne in mind that some of these stations were at very remote and inaccessible locations.

Mauna Loa: The Congressional Report (pages 39 and 41) critically states that orders to proceed with an aircraft warning station, road, and so forth, were given on June 30, 1941, and that no progress towards completion was reported until September 1, 1941, the project being cancelled May 1, 1942. This was Job No. 46, or the Mobile AWS station at Mauna Loa. The fact in this situation was that plans were prepared and proceeding, but the project was actually cancelled on July 14, 1941, by orders of Headquarters, Hawaiian Department. The formal cancellation on May 1, 1942, was merely a confirmation of the actual cancellation for record purposes.

Haleakala: The Congressional Report (page 41) critically states that notice to proceed on Job 41, which was the Haleakala Fixed AWS Station, was not given until June 14, 1941. This was the station which was located on lands belonging to the National Park Service and under control of the Department of the Interior. I have already cited the delays experienced in getting authorization from the Department of the Interior to use this land for this purpose. Authorization for the use of this land was not received by the District Engineer until in June, 1941. The records indicate that this authorization was acknowledged by Headquarters, Hawaiian Department, only three days before this notice to proceed was given. In connection with this project, I offer in evidence as Exhibit Q-18a [3437] letter from Headquarters, Hawaiian Department, to the District Engineer, dated September 8, 1941, advising that the necessary metal buildings and towers for installation at Haleakala were on hand at the Signal Corps yard at Fort Shafter and stated that if the buildings were complete, shipments to the site should be expedited. I also offer in evidence as Exhibit Q-2 my reply dated September 23, 1941, advising that the buildings and towers had been shipped to the site and that erection would begin as soon as the Signal Corps employees arrived to supervise. This is another example of the coordination that had to be effected between the Signal Corps, Headquarters, Hawaiian Department, and the District Engineer. At this time, a delay occurred inasmuch as no funds were locally available for the shipment of the buildings to the site of erection—

That is, shipping from this island to the other island by means of the inter-island steamboat company.

and under peace-time procedure Washington had to be consulted.

Because it was illegal to use funds appropriated by Congress for one purpose and divert them to another purpose.

It was finally decided that Engineer funds would be advanced and later repaid by the Quartermaster Corps.

The fixed stations site at Haleakala is located on top of Red Hill on the crest of Haleakala Crater, an elevation of about 10,000 feet. A single lane, tortuous road extended to within approximately 3,800 feet of this site. Work on the necessary access road to this site was started about July 7, 1941, and was completed about November 30, 1941. [3438] The transmitter detector was completed on December 6, 1941, and the radio powerhouse was about 99 percent complete at that time. It is not known when the equipment was finally furnished and installed by the Signal Corps. One of the principal reasons contributing to the impossibility of having these stations completed earlier was the fact that the District Engineer did not receive the necessary drawings and plans in time. However, it should be noted that the construction activities of the District Engineer at this site were practically finished on December 6, 1941. I have been advised that later developments have proven that this site was not a suitable one for the operation of an AWS station.

Mount Kaala: This fixed-station site is located at the highest point on Mount Kaala at an elevation of about 4,000 feet. The terrain at and around this site is swampy and covered with jungle growth. The annual rainfall in this area is approximately 100 inches. In order to gain access to this site for the construction and operation of an AWS station, it was necessary to construct a difficult access road some 9,000 feet long with grades extending in excess of 15 per cent, including numerous short radius curves and drainage structures. In addition, it was necessary to construct from the end of the access road to the station site a cableway some 7,360 feet long, arising from an elevation of 1,331 feet to an elevation of approximately 4,000 feet, up the sides of a rough and rugged steep mountainside. As an illustration of the difficulties encountered in constructing this project, it should be pointed out that the necessary [3439] aggregate for the concrete detector footing had to be transported over a narrow trail by pack animals in 100 pound bags.

Hawaiian Constructors was given notice to proceed on construction of this cableway on February 6, 1941. The cableway required a special design, and a contractor on the mainland, experienced in both cableway design and construction, was necessary. General plans and specifications were prepared by the District Engineer and the work was advertised by Hawaiian Constructors. The bid received was considered too high. The Division Engineer was then requested to advertise the work. In this connection, I offer as Exhibit R a radio dated March 7, 1941 sent by me to the Division Engineer urging that work be expedited. The Division Engineer—

at San Francisco—

advertised this work on March 31, 1941 and a contract was signed on April 30, 1941, with the low bidder, Interstate Equipment Company. The Interstate Equipment Company submitted a design with its bid and the equipment was to be fabricated and shipped within 126 days. During this period, the Commanding General, Hawaiian Department made many efforts to secure higher priorities for this equipment. I have discussed this previously. Due to the low priorities assigned to this contract, the contractor experienced difficulties in getting necessary materials and the components arrived in Hawaii in dribbles. On September 6, 1941, the construction work actually started in the field prior to the arrival of the cableway components. The last ship- [3440] ment of components left the factory of the Interstate Equipment Company—

at Elizabeth, New Jersey—

on November 21, 1941. Obviously, it was impossible to finish the construction of this station by December 7, 1941. One of the principal causes of delay on this project was the low priority rating assigned work in Hawaii. In addition, my office was not supplied with the necessary drawings in time for the completion of the construction work to have been effected prior to December 7, 1941. I have been advised that after the final completion of this station, the site was found unsuitable for operation of an AWS installation.

Kokee, Kauai: The site for this AWS installation was at an elevation of 4,230 feet. The terrain at and approaching this site is rugged, swampy and covered with heavy jungle growth. The annual rainfall at the site is approximately 100 inches, and the annual rainfall in the vicinity of the site has been measured as high as 600 inches, and it is regarded as one of the wettest spots in the world. An access road more than 12,000 feet long with grades exceeding 12 per cent had to be constructed. A base camp, consisting of barracks, mess-

hall, recreation hall, radio shelter, water supply system, sewage system, and electrical system had to be provided for the operating personnel.

The layout plan for this station was approved March 20, 1941. Plans for the access road were not approved by higher authority until May, 1941. Construction work on the access road did not start until June 24, 1941. Great [3441] difficulties were experienced in making surveys through the jungle and swamps through which the road had to be constructed. Furthermore, my office was short of qualified personnel for making such surveys. However, the access road was about 86 per cent complete on December 7, 1941, the detector building and tower and tower building were about 50 per cent complete. It would have been impossible for the construction work involved in this project to have been completed by the time of the attack on Pearl Harbor because of the late date on which my office received the necessary drawings and plans for erection.

I want to emphasize that one of the outstanding reasons why it would have been impossible to finish the major elements of the AWS stations before December 7, 1941, was the fact that my office did not receive essential plans for erection and drawings from the using service in time. By this I do not mean to criticize the using service because it was known that it was developing a design of a major item which was entirely new and still in an experimental stage. I offer in evidence as Exhibit S-1 a letter from the Chief of Engineers, dated August 5, 1940, to the Chief, Signal Office, urging that he be furnished with designs of AWS structures at as early a date as possible. I also offer in evidence as Exhibit S-2 a first indorsement to this letter giving certain general features. The files of the office of the Chief of Engineers show additional exchanges on this matters.

I offer in evidence as Exhibit T a communication dated October 23, 1941, from the office of the Chief of [3442] Engineers to the Division Engineer at San Francisco, entitled "Aircraft Warning Service, Foundation Drawings." I also offer in evidence as Exhibit T-1 a communication from the Division Engineer at San Francisco to the District Engineer at Honolulu, dated October 30, 1941, transmitting aircraft warning service foundation drawings. This communication transmitting these drawings was received in my office November 24, 1941, only 13 days before the attack on Pearl Harbor.

The drawings received on November 24th which were essential to the erection of this work are right here in this folder.

I also offer in evidence as Exhibit U a communication to the Division Engineer, San Francisco, from the office of the Chief of Engineers, dated December 12, 1941, forwarding additional drawings and erection diagrams for aircraft warning service construction. It was necessary for my office to have these plans and drawings before it could undertake the completion of the construction involved in these projects.

A review of the file in my office reveals that actual receipt of drawings of various elements of the AWS installations was as follows:

May 12, 1941: Received foundation plans for the metal buildings and also for the detector.

September 11, 1941. Received some small details for transmitter building.

November 24, 1941, received floor plan for transmitter building with sketches of 100-foot tower and relative position of the detector and transmitter building. The [3443] sketch of the detector, however, gives no designations of the fabricated members, which was necessary for erection purposes.

December 24, 1941: Received the first set of drawings which could really be fully used for proceeding with the erection of the detector and transmitter building.

The detector for the Haleakala station was erected before the complete drawings were received. However, this was only a 34-foot tower whereas the tower at Kokee was 100 feet high, for which details were more complicated. Although the steel for the tower itself was shipped to Kokee in September, 1941, the pieces of steel were not marked with the fabrication marks which were necessary for erection, in accordance with the usual practice.

It is evident, therefore, that it would have been impossible to have completed prior to the Pearl Harbor disaster the erection of all the important elements of the AWS stations at their respective sites because indispensable plans and drawings were not available to the office of the District Engineer in time.

[3444] In conclusion it is obvious that:

1. Prompt steps were taken after receipt of the approved contract with Hawaiian Constructors on 6 January 1941, to put underway all work which

could be started by the District Engineer without plans and specifications and without the equipment and buildings to be furnished by the Using Service.

2. That continued pressure was applied by the District Engineer upon the contractor to keep his work on schedule.

3. That low priorities delayed the work, although continuous efforts were made to secure higher priorities.

4. That failure of the Interior Department to grant permission to use Park Lands delayed the Haleakala A. W. S. Station project.

5. That low priorities for critical material, notably steel, delayed execution of Contract W-414-eng-784 with Interstate Equipment Co. for the cableway for Mt. Kaala A. W. S. station; that the unusual, natural and difficult field conditions required a period of construction which was not abnormal for such difficulties and which threw completion after Pearl Harbor; that, however, even had this not been so, other factors, beyond the control of the District Engineer, were also present and would have prevented completion of the Mt. Kaala project before 7 December 1941.

6. That procedures necessary for coordination [3445] and cooperation, such as securing of approvals for layouts and of all other major features and of changes desired by higher authority or by the Using Service, caused the initiation of actual work to be at later dates than if only engineering considerations to be decided by the District Engineer had been involved.

7. That the foregoing factors made impracticable the issuance of notice to proceed before the dates such orders were in fact issued, namely, about in February for the cableway and June for A. W. S. Stations.

8. That the District Engineer could not proceed without plans and specifications; that the earliest complete set of those which were necessary in order to properly execute the work were received in the District Office on December 24, 1941, seventeen days after Pearl Harbor.

9. That had the foresight existed to have predicted the need of an emergency A. W. S. on or before 7 December 1941, the mobile sets which were received on the islands by August, 1941, could have been set up irrespective of the degree of completion of the three permanent projects from a construction standpoint. Roads were completed to two of the three sites.

[3446] (The following exhibits offered by the witness, which does not include those read entirely into the record, were received in evidence and marked as indicated below:)

(Wyman "A", special report dated September 2, 1941, was marked Exhibit No. 27 and received in evidence.)

(Wyman "B", special report dated November 4, 1941, was marked Exhibit No. 28 and received in evidence.)

(Wyman "F", priorities on Hawaiian Construction, dated August 29, 1944, was marked Exhibit No. 29 and received in evidence.)

(Wyman "G", message dated March 3, 1941, Adams to Commanding General, Hawaiian Department, was marked Exhibit No. 30 and received in evidence.)

(Wyman "H", message dated March 4, 1941, Short to Adjutant General, Washington, was marked Exhibit No. 31 and received in evidence.)

(Wyman "I", message dated March 12, 1941, Adams to Commanding General, Hawaiian Department, was marked Exhibit No. 32 and received in evidence.)

(Wyman "J", letter March 15, 1941, Marshall to Short, was marked Exhibit No. 33 and received in evidence.)

(Wyman "K", letter May 29, 1941, McDole to District Engineer, Honolulu, was marked Exhibit No. 34 and received in evidence.)

(Wyman "K-1", paraphrase, Adams to C. G., Hawaiian Department, was marked Exhibit No. 34-A and received in evidence.)

[3447] (Wyman "K-2", Wyman to C. G., Hawaiian Dept., dated June 11, 1941, was marked Exhibit No. 34-B and received in evidence.)

(Wyman "L", AWS Stations, was marked Exhibit No. 35 and received in evidence.)

(Wyman "M", Wyman to Dept. Engr., Hawn. Dept., dated February 14, 1941, was marked Exhibit No. 36 and received in evidence.)

(Wyman "M-1", Grosse to District Engineer, Honolulu, dated March 6, 1941, was marked Exhibit No. 36-A and received in evidence.)

(Wyman "N", AWS Information Center, Fort Shafter, was marked Exhibit No. 37 and received in evidence.)

(Wyman "O", Wyman to C. G. Fort Shafter, dated April 18, 1941, was marked Exhibit No. 38 and received in evidence.)

(Wyman "O-1", McDole to District Engineer, dated May 17, 1941, was marked Exhibit No. 38-A and received in evidence.)

(Wyman "P", Hannum to Hawaiian Constructors, dated January 6, 1941, was marked Exhibit No. 39 and received in evidence.)

(Wyman "Q-1", Fleming to District Engineer, dated September 8, 1941, was marked Exhibit No. 40 and received in evidence.)

(Wyman "Q-2", Wyman to Dept. Engr., Ft. Shafter, dated September 23, 1941, was marked Exhibit No. 40-A and received in evidence.)

(Wyman "R", Wyman to Division Engr., dated March 7, 1941, was marked Exhibit No. 41 and received in evidence.)

(Wyman "S-1", Adcock to Chief Signal Officer, dated August 5, 1940, was marked Exhibit No. 42 and received in evidence.)

[3448] (Wyman "S-2", Gripper to Chief of Engineers, dated August 16, 1940, was marked Exhibit No. 42-A and received in evidence.)

(Wyman "T", Person to Division Engineer, dated October 23, 1941, was marked Exhibit No. 43 and received in evidence.)

(Wyman "T-1", Matheson to Dist. Engrs., dated October 30, 1941, was marked Exhibit No. 43-A and received in evidence.)

(Wyman "U", Person to Division Engineer, dated December 12, 1941, was marked Exhibit No. 44 and received in evidence.)

(Wyman "V", Wyman statement, "Gasoline", was marked Exhibit No. 45 and received in evidence.)

90. General GRUNERT. We shall take a five-minute recess.

(There was a brief informal recess.)

91. General GRUNERT. Are you ready to proceed?

[3449] Colonel WYMAN. Yes, sir, I am ready.

The work that I have been able to do during the few days that I have been here is pretty well covered. However, it is alleged in the Congressional document referred to that there was certain delay in the construction of some gas tanks at airfields under a job order, on which I can make a statement. It is my recollection that some of those gas tanks were at South Point on the big island of Hawaii, and some were at Barking Sands on the Island of Kauai, and some were at Bellows Field on this island. In the case of the airfield at South Point it was constructed with WPA labor under my jurisdiction. Some work was also done on the Barking Sands airport by WPA labor, and some work was done at Bellows Field by WPA labor under my jurisdiction. I being the WPA administrator for the Hawaiian Islands.

92. General FRANK. When? When was this work done by the WPA?

Colonel WYMAN. It was done in 1940 and carried through till the WPA was abolished, in about August 1941. When the District En-

gineer's office took over the construction of airfields early in '41, there was at Hickam Field a large amount of plate which had been stored there under the Construction Quartermaster and allowed to deteriorate due to the ravages of the weather.

93. General FRANK. What do you mean by "plate"?

Colonel WYMAN. Plate, sections of tanks.

94. General FRANK. Oh, yes.

Colonel WYMAN. They were molded plate, molded plate for tanks.

And it was decided by the Hawaiian Air Force, that is the [3450] Commanding General, that he would like to utilize those tanks on the outlying islands if possible; but when the activity was turned over to the Engineer Department, the entire amount of money available for the construction of such tanks was about twenty-nine hundred dollars, as I recollect it; and I have not consulted—had an opportunity to consult the records. And, of course, facts in the matter, the work of installing tanks in these islands was started in a big way after a large sum of money was appropriated by Act of Congress and allotted to this Hawaiian Department, as I remember it, in August 1941. Prior to that time there was no money available in an amount necessary to make extensive installations, with the exception of Hickam Field, which was being done by another contractor.

In the case of Bellows Field various schemes were proposed for the installation of the small tanks along the edge of the runways, for the servicing of airplanes. However, final decision as to their location and the method of construction was held off until the 19th of September, 1941, and I have to offer in evidence a correspondence setting forth this point, as follows. It is first a letter from me to the Commanding General of the Hawaiian Department, Fort Shafter, T. H.:

Attached herewith are two (2) prints of drawings, File No. F-20/2, showing the General Plan of Bellows Field—

That is the whole plane of the proposed runways, the general development of the field.

and the location of the existing and proposed site for the gasoline storage tunnel. It had been decided to build a tunnel.

[3451] Your attention is directed to the site originally chosen for the gasoline storage tunnel as shown on the drawing. This site was inspected by this office and it was found that the tunnel will require considerable support during construction, and will be cause for considerable increase in cost.

The recommended site as shown on the attached drawing offers greater structural stability together with a lower initial construction cost. It is, therefore, recommended that this site be adopted for construction for the gasoline storage tunnel at Bellows Field.

1st Indorsement

HEADQUARTERS, HAWAIIAN DEPARTMENT.

Fort Shafter, T. H., 16 August 1941.

To: District Engineer, Honolulu, T. H.

1. The location recommended for the gasoline storage at Bellows Field is approved.

For the Commanding General:

O. M. McDOLLE,

Major, A. G. D.,

Assistant Adjutant General.

1 Incl: 1 Drawing w/drawn.

ND 633 Gas Stor. Tanks (7-16-41) 2nd Ind. 4-E

OFFICE, DISTRICT ENGINEER,
Honolulu, T. H., September 4, 1941.

To Commanding General, Hawaiian Department, Fort Shafter, T. H.

1. The approved location of the gasoline storage tanks and dispensing system is shown on [3452] the attached drawing, File No. F-20/2. This system of storage and dispensing differs considerably from the scheme outlined in basic letter dated July 16, 1941, subject: Installation of gasoline tanks at Bellows Field. Under this basic letter certain requests were made regarding the installation of an oil storage tank and an overhead oil filling station to fill oil servicing trucks.

2. It is desired to know whether the items of work requested above and more specifically under paragraphs 1-g and 1-h, of basic letter are still required.

THEODORE WYMAN, JR.,
Lt. Col., Corps of Engineers, District Engineer.

Third Indorsement

HEADQUARTERS, HAWAIIAN DEPARTMENT,
Fort Shafter, T. H., 19 September 1941.

To: District Engineer, Honolulu, T. H.

1. The following additional information is submitted concerning the gasoline and oil storage systems to be installed at Bellows Field. Subparagraph numbers will correspond to those of the basic letter dated 16 July 1941, subject: "Installation of gasoline tanks at Bellows Field."

a. The location of the gasoline storage tanks as shown on your drawing, file No. F-20/2, has been approved by previous correspondence.

b. Gasoline tanks will be tunneled into the hill as previously agreed upon.

[3453] c. The aqua system is not to be installed. Since the tanks are located at an elevation of approximately 100 feet above sea level, flow to the dispensing pits can be by gravity.

d. The twelve pits along the taxi strip will not be installed.

They were the original 12 pits.

e. Nozzle flow should be sixty gallons per minute.

f. The overhead type gasoline filling station to fill gasoline servicing trucks is not desired. This type of installation has been found too difficult to camouflage. In place of the overhead system, it is requested that you install twelve pits in the approximate location indicated on the attached map. These pits should be spaced sixty feet apart along the edge of the proposed road. Each pit should contain two hoses thirty-five feet long for filling the gasoline servicing trucks. The pits should be made of reinforced concrete and provided with a heavy steel-plate cover with hasp and padlock. These pits should be similar to those now installed in the servicing mat at Hickam Field. The access road which you have shown to the gasoline servicing area should be made wide enough so that gasoline servicing trucks may be stopped along the road and filled without leaving the road. This road should be continued across the reservation to the officers' beach.

[3454] g. The 10,000-gallon oil storage tank previously requested is no longer required. The lubricating oil is delivered in 55 gallon drums. A corrugated iron oil storage shed has been included in the project for Bellows Field.

h. No overhead oil filling station will be required. The oil will be loaded into the servicing trucks directly from the drums.

i. Since no gasoline pits are to be provided in the servicing mat, this paragraph is no longer applicable.

2. It is requested that every effort be made to make the gasoline filling installation as inconspicuous as possible. The services of the Camouflage Officer at Department Headquarters will be made available to the District Engineer on call, in order that the detailed design of these installations can be made to accord with camouflage principles.

For the Commanding General:

ROBERT H. DUNLOP,
Colonel, A. G. D., Adjutant General.

I offer that to show that the plans of the Air Corps for the development of Bellows Field were still in a process of change, and that before any moneys could be spent in construction it was necessary to have a complete meeting of minds between the construction agency, the District Engineer, and the using service, the Air Corps. I might state that it was my—I was urged by the Commanding General of the Hawaiian [3455] Islands, and also by the Commanding General of the Hawaiian Air Force at that time, to start the construction of Bellows Field, of the runways; and then, after considerable urging and taking it up with the Division Engineer, I diverted funds into the extent of \$1,000,000 from other projects, that is, other projects that were more or less where the money couldn't be spent right away, for the development of Bellows Field; and under a job order issued to the Hawaiian Constructors we built a runway which was about over 5,000 feet long and which was completed and ready for use on the 7th day of December and was used in the training of fighter command aircraft and aviators stationed at Bellows Field.

I merely state that to indicate my eagerness to make progress in the building of airfields, much-needed airfields, in the Hawaiian Department at that time, because both Hickam Field and Wheeler Field were being overcrowded with aircraft; and at one conference I attended the Commanding Officer of Wheeler Field stated that the number of aircraft thereat was so great that if they all took off the first one would be obliged to return to the field before the last one could get off.

Now, I have been unable to find—I thought I had it with me—a statement on the installation of the gas tanks and of the war reserve gasoline storage. I mislaid my prepared statement, but I would like the opportunity to submit that as evidence.

95. General FRANK. Mark that as the exhibit next in order.

[3456] Colonel WYMAN. I understand it is being sent over by messenger.

I would like to state at this time that I am at a great disadvantage of coming from France here on this short notice, with the short time I have had to examine into the files of my office here when I was District Engineer, and also to state to you that on about the 25th of July I was in a terrible automobile accident.

96. General FRANK. This year?

Colonel WYMAN. Yes, sir. I managed the visit of the Prime Minister of England, Mr. Churchill, to Cherbourg and Utah Beach; and immediately after Mr. Churchill left the car that I was in, within ten minutes, the car collided with a truck, head-on collision, and it was travelling perhaps as high as 40 miles an hour. This accident occurred without warning. I was in the back seat of the car alone, and I struck the front seat with my head and shoulder—that is, the back of the front seat with my head and shoulder—with such force that the front seat was broken into two pieces. Of course, I was knocked out and lay on the floor of the car, but after being picked up and revived, and whatnot, I continued to supervise the picking up of the wreck, the clearing away of the thing, and was taken to my station by General Lee and General Plank, who were witnesses to the accident, and put to bed, but the next day I was back on duty.

But every little while I do have pains in the back of my head, which are very distressing, and I have them right now, and I would like to be excused until I have a few minutes to rest.

[3457] 97. General GRUNERT. We shall have lunch, and after lunch the Recorder will find out if you are ready to continue; otherwise we shall go ahead with some other witness.

Colonel WYMAN. Yes, sir. I think I will be ready to continue, General; just a matter of a little rest; that is all.

98. General GRUNERT. If you want more time, just let us know, and we will go ahead with some other witnesses. That will be entirely up to you. The Recorder will ascertain how you feel.

Colonel WYMAN. What time will we reconvene?

99. General GRUNERT. At one o'clock. And if at that time you are not ready, why, we have other witnesses who will be here at that time.

Colonel WYMAN. Yes, sir.

100. General GRUNERT. All right.

(Whereupon, at 11:55 a. m., the Board, having concluded the hearing of witnesses for the morning, took up the consideration of other business.)

[3458]

AFTERNOON SESSION

(The Board, at 1 o'clock p. m., continued the hearing of witnesses.)

General GRUNERT. The Board will please come to order.

TESTIMONY OF COLONEL THEODORE WYMAN, JR., CORPS OF ENGINEERS, CHERBOURG BASE SECTION, FRANCE—Resumed

101. General GRUNERT. Where were we? You had not finished your statement?

Colonel WYMAN. No, sir. Continuing my statement, I would like to submit as evidence a statement of Colonel Theodore Wyman, Jr., covering allegations contained in House Report No. 1638, 78th Congress, 2d Session, relating to his responsibility for Pearl Harbor disaster, with reference to war reserve aviation gasoline.

I will read the first part of this paper and just submit the other as an exhibit.

The Joint Board 314,—

That is the Army and Navy Joint Aviation Gasoline Board,

on the 5th of September 1940, contemplated storage for 250,000 barrels for the Army and 100,000 barrels for the Navy, on the basis of an estimated cost of \$2 per barrel in commercial tanks of 25,000 barrel capacity. The directive of 28 December 1940, raised the estimate of cost to \$4 per barrel, reduced the quota (Army) for Hawaii to 100,000 barrels, and authorized preliminary surveys to be made. In March, 1941, \$5,000 was made available to the District Engineer for these surveys.

The surveys were made in March, 1941, and during March a representative of Air Corps came to Hawaii, inspected sites and made recommendations. On 3 April, [3459] 1941, the Commanding General forwarded to the Adjutant General his recommendations (in which the District Engineer and the Naval Commandant concurred) for locations at two sites. By letter, 5 April, 1941, the Chief of Engineers notified the District Engineer that priority for steel for tanks could not be obtained until the contract for the tanks had been let.

By letter 9 April, 1941, the Chief of Engineers directed the District Engineer to prepare a definite project report for a total capacity of between 125,000 and 133,000 barrels, and by letter 21 April, 1941, to submit recommendations regarding protection at both sites. On 21 June, 1941, the District Engineer received notice

that the proposed Army storage had been increased from 100,000 to 250,000 barrels.

On 17 June, 1941, the District Engineer was notified that funds had been authorized (\$600,000 cash and \$1,400,000 contract authorization) and directed to commit the contract authorization before 1 July. On 24 June, 1941, the District Engineer forwarded his definite project report, stating that the construction for 200,000 barrels at Site "B" had been put under the Hawaiian Constructors contract, and that the estimated completion time would be eight months. The Chief of Engineers, in forwarding this report to the Adjutant General, recommended 25,000 barrel capacity tanks instead of 50,000.

On 23 July, 1941, the Division Engineer relayed to the Chief of Engineers the District Engineer's request to be permitted to proceed with excavation work, but on [3460] 26 July, 1941, the District Engineer was instructed not to start work as the plans were being materially changed.

On 3 September, 1941, the Adjutant General requested the Chief of Engineers to revise the plans. On 23 September, 1941, the District Engineer was directed to proceed with construction at Site "B" but not to start work at Site "A" pending arrival in Honolulu of the Engineer's Advisory Committee. On 27 September, 1941, the District Engineer was notified that installation of eight 40,000 barrel capacity tanks had been approved and that negotiations for procuring these eight tanks had been begun.

The tanks were procured by the District Engineer at Pittsburgh in the United States.

On 9 October, 1941, the District Engineer forwarded the report of the Advisory Committee (which had been in Honolulu in September) and concurred in its recommendations, and on 31 October, 1941, the District Engineer was directed to proceed with the work in accordance with the recommendation of the Advisory Committee. On November 15, 1941, the District Engineer informed the Division Engineer that he estimated the tanks and the pipe line could be installed sixty days after their arrival. Construction began 19 November, 1941, with a completion date of 1 June, 1942. On 23 November, 1941, the District Engineer wired the Division Engineer requesting immediate shipment of the channel anchors and bars. By letter 25 November, 1941, the Division Engineer forwarded to the District Engineer a copy of an indorsement for the Chief of Engineers to the Navy [3461] stating that four tanks would be shipped by 30 November and the steel for the other five by 15 January, 1942. On 28 November, 1941, the District Engineer was notified that the channel anchors and bars were shipped 26 November.

Plans and specifications for the 40,000 barrel tanks were received by the District Engineer 22 December, 1941.

The foregoing history is conclusive that it would have been impossible to have completed the war reserve gas storage by the date of Pearl Harbor.

I would like to state at this time—this is the end of my prepared statement—and due to lack of time these statements were made from memory, from events that occurred a long time ago. However, there may be many inaccuracies in the written report, either typographical errors or minor inaccuracies. Therefore, I would like the right to check some of this data that has been furnished, to make sure that it is correct and to submit any corrections by letter that I may find necessary.

102. General GRUNERT. You mean corrections to your statement to the Board?

Colonel WYMAN. Yes, sir. If there are any inaccuracies, small inaccuracies, or references.

103. General GRUNERT. You mean, take your retained copy and check it?

Colonel WYMAN. Yes, sir. That is, I will keep a copy and I will check it and make sure the references are correct and that sort of thing.

104. General GRUNERT. There appear to be no objections, except that the statement as given will be put in the record and any changes may be appended to that record.

[3467] Colonel WYMAN. Yes, sir.

105. General FRANK. Do the statements that you have made today contain all and everything that you would like to say to the Board?

Colonel WYMAN. Oh, no, sir. There are many allegations in the Congressional Record that I have not had an opportunity to even work on at all. However, due to the lack of time, this is the best I am able to do, even with the assistance of some people I have had assisting me.

106. General FRANK. Did General Hannum ever visit the line of airfields along the Christmas Island, Canton, Noumea route?

Colonel WYMAN. I have not the least idea. Not to my knowledge. I do not know.

107. General FRANK. Well, you were the——

Colonel WYMAN. You mean while I was here?

108. General FRANK. Yes.

Colonel WYMAN. He visited Midway, because I was with him. I do not recollect any time that General Hannum visited the islands between here and Australia.

109. General FRANK. How many times did you visit them?

Colonel WYMAN. I did not visit them at all.

110. General FRANK. This line of airfields?

Colonel WYMAN. I never had the opportunity. Just at the time I was leaving here General Tinker and I and Colonel Mollison had made a plan to take off and visit these fields, and, as a matter of fact, they did take off to visit the fields shortly after I left.

111. General FRANK. General Hannum was in charge of supervising your work?

[3463] Colonel WYMAN. Yes, sir. He was the Division Engineer and acted in accordance with his official capacity as the Division Engineer and supervising work not only in my district but in the other districts.

112. General FRANK. How did he know the nature and satisfactoriness of your work, if he never visited it?

Colonel WYMAN. I would say he can answer that best himself. I do not know. He visited this island, visited Midway, visited the outer islands here, several times while I was here, inspected the work at Hickam Field, and had conferences with the Commanding General of the Hawaiian Department.

113. General FRANK. In your statement you made a comment with respect to the return of the VEGA to the United States. Was the VEGA ever used on any one single trip?

Colonel WYMAN. Not while it was in my charge.

114. General FRANK. What influence did General Emmons have on the return of the VEGA to its owner?

Colonel WYMAN. I do not know, but he had a great influence on the VEGA coming over here. There was a conference held with Admiral Nimitz, and General Emmons and General Collins—not General Collins—but the Chief of Staff, and a decision was made to make a survey of a second route, the eastern route, between Hawaii and Australia. Ways and means were discussed at great length as to how we could do things and we told them one of the things we needed was a survey boat, a sailing boat, and he directed that the boat be procured without delay and the survey start without delay.

115. General FRANK. How did he do that?

Colonel WYMAN. Verbally, right at the conference.

116. General FRANK. Who was there present at that time?

[3464] Colonel WYMAN. General Sverdrup was present as I recall. I was present.

117. General FRANK. Who else?

Colonel WYMAN. I do not remember. Several other people, however; I do not recollect.

118. General FRANK. Who selected the airfields at the places along the route at which you constructed these airfields?

Colonel WYMAN. When the first instructions came over that they might build an air route to Australia, and to prepare for it, we dispatched a destroyer with a reconnaissance party to Christmas Island. It was a naval destroyer. I have forgotten the engineer officer detailed. That will be a matter of record. In the case of Canton Island, the reconnaissance was made by General Sverdrup and Colonel Robinson, who landed there in a clipper and made a reconnaissance of the island.

In the case of Nandi airport, the reconnaissance was made by Sverdrup and Parcel. The Nandi airport had already had some work done by New Zealand forces.

In the case of Caledonia, Sverdrup and Parcel selected Plain des Gaïac as a site and also made plans for the extension of the Tontouta runway near Noumea.

In the case of the extension of the runways at Townsville in Australia, the entire reconnaissance was made by General Sverdrup.

119. General FRANK. What eliminated the necessity for the use of the VEGA?

Colonel WYMAN. At the time I was here there was a survey crew on the VEGA. At least, it was all prepared to leave. I do not know that they ate on the VEGA, but I think they slept on [3465] the VEGA. They were waiting for Navy concurrence to start south, with a view of making a survey of Tongareva Island. I think they were going there first, and then going to continue to Tahiti and then go over to Suva. Then one of the proposed uses of the boat was the hauling of small amounts of freight and personnel from Suva to Nandi airport.

When the plan was changed, as I recall it, Admiral Nimitz agreed to furnish some naval flying boats to make certain portions of the survey by means of naval aviation and agreed to furnish these flying boats to Sverdrup and Parcel.

120. General FRANK. You stated there were certain delays in building the access road to Kokee. What certain approvals were necessary? Who had to make those approvals?

Colonel WYMAN. There was a large number of approvals necessary. First, it was necessary to gain the approval of the Territory, because the road was located on Territorial property. It was also necessary to gain the approval of the Commanding General of the Hawaiian Department, or his representative, the Department Engineer. After the site or location of the road was approved and the type of road, then it was necessary to make drawings in detail and submit them to the Division Engineer at San Francisco for technical approval. Then after that came back approved, theoretically, a job order could be issued for the construction.

121. General FRANK. Could not some of these approval be obtained simultaneously?

Colonel WYMAN. No, sir. Approvals were obtained in accordance with orders and regulations governing the District Engineer and the Engineers Department.

[3466] 122. General FRANK. What regulations prevent you from proceeding with getting the approval of the Territory and the Department Commander at the same time?

Colonel WYMAN. As a matter of fact, as I recollect it, the Department Engineer secured the approval of the Territory, and not the District Engineer, because the Department Engineer's office as a representative of G-4 made all of the arrangements for the acquirement of property. I had nothing to do at that time with the acquirement of property.

123. General FRANK. I asked you some time back, at the beginning of this testimony, what was Rohl's professional background.

Colonel WYMAN. I submitted in my written statement—

124. General FRANK. I would like an answer to that.

Colonel WYMAN. Yes, sir. I submit in my original statement a compilation of the work that had been performed by the Rohl-Connelly Company. Now, as to his personal background I have no knowledge whatsoever, except through the achievements of his company.

125. General FRANK. Who was the guiding spirit in the Rohl-Connelly Company?

Colonel WYMAN. I do not know what a guiding spirit is. Therefore, I cannot answer the question.

126. General FRANK. Do you know under what conditions Rohl came to the United States?

Colonel WYMAN. I read about in in the Congressional report. That is the first knowledge I ever had of any such entrance into the United States, what I have read in this House document I have referred to.

127. General FRANK. What contracts did Rohl have with the Engineers other than the breakwater contracts in Los Angeles?

[3467] Colonel WYMAN. Well, he had the breakwater contract in Los Angeles. It is in the statement. I could pick them out of that, because I have listed them all. The Caddoa Dam, which I think is called in that the John Martin Dam. But the same three contractors were associated in that, the Callahan Construction Company, Gunther-Shirley and the Rohl-Connelly Construction Company. They were associated together as coadventurers, and known as the Caddoa Constructors, building the great flood control dam at Caddoa, New Mexico.

After I left the Los Angeles district I notice in here that the Rohl-Connelly Company built a section of the Los Angeles River under my successor, Colonel Kelton.

128. General FRANK. What social relations did you have with Rohl in Los Angeles?

Colonel WYMAN. I have given that in my statement.

129. General FRANK. Will you state it now?

Colonel WYMAN. I would rather read it out of the statement.

130. General FRANK. Is that statement from your memory?

Colonel WYMAN. It is largely my memory, yes. I can try to review it from what is here.

I was on Rohl's yacht in 1935, with my family, in the company of other officers, and I took an overnight trip, which was a pleasure trip, from Los Angeles to Catalina and, incidentally, inspected a great

quarry over there that was being operated for the benefit of the Los Angeles-Long Beach breakwater.

Again, in 1936 I was aboard the Rohl yacht with two friends of mine, and there were some other guests aboard. That was also an overnight trip from Los Angeles to Catalina Island [3468] and return.

Again, I was on the boat on the occasion of the regatta at Newport Yacht Club, where I was an invited guest of the Newport Yacht Club, and Mr. Rohl invited me to return to Los Angeles on his boat, which I did, in company with other guests.

In 1939, I was on his yacht once with my wife, and I think there was Rohl and his wife, and there may have been one or two other people on the boat.

131. General FRANK. Did you see Rohl on your way over here on this trip?

Colonel WYMAN. No. You mean, to this Board?

132. General FRANK. Yes.

Colonel WYMAN. No, sir.

133. General FRANK. Did you see Grafe?

Colonel WYMAN. No, sir.

134. General FRANK. To what clubs did you belong in Los Angeles?

Colonel WYMAN. At Los Angeles I had an Army membership at the California Club. I had golf-playing privileges at the Los Angeles Country Club, which was extended to Army officers as is frequently done in the large cities of the United States.

135. General FRANK. Were there only two clubs to which you had membership?

Colonel WYMAN. At another time I had golf-playing privileges at the Bel-Air Country Club at one time.

It was more than that. They issued a ticket, a courtesy ticket, at the Los Angeles Athletic Club that included a whole chain of clubs. You could use your privileges at the Los Angeles Athletic Club to a dozen clubs throughout southern California. You could use the same membership ticket. The [3469] reason for that, as I recall, is that all these clubs were in a more or less state of bankruptcy due to the great depression, and in order to get some business at their golf courses and club houses these privileges were extended by the Los Angeles Athletic Club, and I had one of those memberships. I think the total cost for the card was just a minor sum of money, three or four dollars, something like that.

[3470] 136. General FRANK. Were you ever entertained by Rohl in Los Angeles at the Biltmore Hotel?

Colonel WYMAN. As his guest at the Biltmore?

137. General FRANK. Yes.

Colonel WYMAN. I don't recollect an occasion, not one, at any dinner or anything that Rohl gave. There might have been, but I can't recollect the occasion, if there was.

138. General FRANK. Do you think you could have been up there on quite a series of occasions without knowing anything about it?

Colonel WYMAN. No, I couldn't be, not a series of occasions, not parties and that sort of thing; I would certainly remember; but I do remember Rohl being present at other parties that I attended in the Biltmore Hotel.

139. General FRANK. If we had testimony to the effect that you had visited Rohl at the Biltmore Hotel on several occasions, at which there were parties, that testimony then would be in error?

Colonel WYMAN. If it is the testimony, that is, the statement that is in the congressional report, that I attended parties at the Biltmore Hotel, where, as I remember, "twenty cheap faced women" or something of that order are waltzed in and out, that is a pure fabrication. The answer to that is no, I wasn't there.

140. General FRANK. That is not the testimony.

Colonel WYMAN. Well, then, I don't—I was at parties at the Biltmore Hotel, at dinner parties in the Bowl and other rooms of that hotel, in the big banquet rooms, where I was a speaker at the table, the speaker's table—Chamber of [3471] Commerce, Engineering Societies, and others, and on some of those occasions Rohl was present, but I was not his guest.

141. General FRANK. I am talking about parties in apartments that were rented there by Rohl.

Colonel WYMAN. No. I do remember on one occasion where General Sverdrup gave a dinner party, a very large dinner party, in the Biltmore Hotel, in which there were a great many Army officers and Army ladies present, the wives of Army officers; and it is my recollection that the Rohls were at that party. He served cocktails in a room before the dinner and then later we went to dinner, and I am certain that, as I remember it, among the various large number of guests present, the Rohls were present.

142. General FRANK. Where was Rohl's office?

Colonel WYMAN. Rohl's office? Rohl's office was located as I remember it on Alhambra Boulevard, Los Angeles.

143. General FRANK. Did he have a home in Los Angeles?

Colonel WYMAN. Yes, he had a home in Los Angeles. As I remember it, it is on Hollywood Boulevard, Hollywood.

144. General FRANK. Did he frequently rent an apartment at the Biltmore?

Colonel WYMAN. I haven't the least idea.

145. General FRANK. You have never been up to his apartment in the Biltmore?

Colonel WYMAN. You mean an apartment? What is an apartment?

146. General FRANK. You do not know what an apartment is?

Colonel WYMAN. Well, I have lived in apartments.

147. General FRANK. A constructing engineer?

[3472] Colonel WYMAN. I have lived in apartments. You mean like a bed room?

148. General FRANK. I mean an apartment.

Colonel WYMAN. Well, I was in a room, once, where Mr. Rohl was, in the company of General Sverdrup. Now, whether or not it was an apartment, I don't know, but it was a room.

149. General FRANK. You do not seem to know any more about an apartment than you did about a "guiding spirit" in an organization.

Colonel WYMAN. Well, I know what an apartment is, in an apartment house, but I don't necessarily know what an apartment is at a hotel. I never lived in one, in my life.

150. General FRANK. According to your testimony, then, you received almost no entertainment from Rohl?

Colonel WYMAN. Well, except that that I stated I received. That, yes, sir; and I reciprocated, because I entertained him at my house, Mr. and Mrs. Rohl, on one or two occasions. I remember one, I entertained him at the California Club, at lunch with my officers who lunch with me there very, very frequently. We have a little luncheon table in the main dining room of the California Club, and I remember having him there for lunch and paying for his lunch, and I was very particular all my life, whenever I received entertainment from anybody, to return it with reasonable promptness, just as we of the Army always do.

151. General FRANK. Where did you meet Paul Grafe?

Colonel WYMAN. I first met Paul Graft, he was introduced to be by a very eminent engineer, now deceased—Mr. Walter Douglas, of the great firm of engineers in New York, of which he was a member—Parsons, Brinkerhoff, Clapp & Douglas. Mr. [3473] Douglas had done work all over the world, a very eminent engineer, was employed by the Engineer Department, was a consultant on very large jobs, and one night, Mr. Douglas, who was a consultant on the Los Angeles River for the district engineer at Los Angeles, or for one Colonel Theodore Wyman, had a dinner party at the Ambassador Hotel, and among the guests present was Mr. and Mrs. Paul Grafe; Douglas having known Mr. Grafe when they built the Madden Dam at Panama, of which I believe he was a consultant.

152. General FRANK. Did he ever become a good friend of yours?

Colonel WYMAN. Grafe? Well, he was a business acquaintance of mine, and which I had many associations, due to the Prado Dam, due to his work over there. He was in charge of this work on this island from the beginning of the 602 contract until about January 1, 1942. He was here during the period of the attack on Pearl Harbor.

153. General FRANK. Was his work over here satisfactory?

Colonel WYMAN. At times his work was not satisfactory; at least his progress was not satisfactory, to me, and at other times it was very satisfactory. When they first came over here, the Callahan organization did the work, and they brought along as superintendent a man by the name of McCullough, and McCullough got off, as I thought, to a rather poor start, and later, he became ill, had to be relieved, and at that time I was greatly concerned about getting a job under way, especially the ammunition storage at Wheeler Field, which was a very large job, and I remonstrated with Grafe about progress, and he said that he would bring a new man over, and he did bring a new man. His name was Ashlock. He had been the [3474] superintendent of construction of the Prado Dam, and after Ashlock got here and got going, things picked up pretty fast, and for some considerable time the progress was satisfactory. Then, when it came time to build the work at Christmas Island and Canton Island and New Caledonia, and Nandi Airport in the Fiji Islands, the Hawaiian Constructors just did everything in the world they could possibly do to organize expeditions to those islands, equipped for maintaining them and keeping them going, in order to build the ferry route to Australia, and I couldn't criticize them for the work on that project, because they certainly put out.

154. General FRANK. Who inspected the work for acceptance on that line of airdromes?

Colonel WYMAN. All work was under the area-engineer system. That is, a district was divided into areas, and as I recollect, at one time there were as many as 14 or 15 areas. Each area had in charge of it a competent officer engineer, who was entirely responsible that the work be done in accordance with the specifications and the plans, and maintained a force of inspectors and accountants and clerks to keep track of the job.

In the case of Canton Island, there was an officer by the name of Captain Baker. In the case of Christmas Island, there was an officer by the name of Major Shields. Those officers were relieved from time to time by other officers who superseded them, and were charged with that responsibility.

155. General FRANK. Who was responsible for the efficiency of their operation?

Colonel WYMAN. The contractor is responsible for his efficiency.

[3475] 156. General FRANK. For the efficiency of the operation of those engineer representatives?

Colonel WYMAN. Who was responsible for their efficiency?

157. General FRANK. Yes.

Colonel WYMAN. Oh, I would say the engineer department, who trained them.

158. General FRANK. Well, who was their immediate superior?

Colonel WYMAN. Well, they reported to the district engineer.

159. General FRANK. They reported to you?

Colonel WYMAN. Yes.

160. General FRANK. Did you have any system of inspection on them?

Colonel WYMAN. Why, yes; we did, in the case of—"them"—any specific one that you have in mind?

161. General FRANK. Any one.

Colonel WYMAN. Well, you take on this island.

162. General FRANK. What island?

Colonel WYMAN. There were area engineers.

163. General FRANK. On which island?

Colonel WYMAN. On this Island of Oahu.

164. General FRANK. I am talking about the Canton, Christmas and Noumea.

Colonel WYMAN. Well, they were visited by people from time to time, not for the purpose of inspecting them, but for the purpose of learning what their problems were, and of trying to solve them. They had a very very difficult task to perform, especially after the commencement of hostilities. You see, at these islands there was also a military expedition [3476] along with it.

165. General FRANK. What supervision did they get from you?

Colonel WYMAN. They got it in terms of instructions, letters of instruction as to what to do; also, the supply, which was the big thing.

166. General FRANK. Is there any follow-up on that, letters of instruction?

Colonel WYMAN. Oh, yes; there was a constant exchange of both correspondence and messages by radio.

167. General FRANK. Other than that, the man was out there by himself, and you depended upon his initiative and ability to put the job across?

Colonel WYMAN. Oh, yes; we selected excellent men. They had already had jobs. For instance, Baker had already been the area engineer over in the Island of Hawaii, with headquarters at Hilo. Shields was a very fine engineer with excellent qualifications, who had been associated with my office.

168. General FRANK. Who was at Christmas?

Colonel WYMAN. At Christmas was Shields.

169. General FRANK. He was outstanding, was he?

Colonel WYMAN. Well, he finished his job. It is a matter of achievement. He opened his airport on the 18th day of January. He arrived there on about the 1st of November; or, in some 60 or 70 days, he built an airport that would accommodate a B-17 four-motored bomber. That had never been accomplished, in my knowledge, in the history of aviation, before, and I don't know whether it has been accomplished since. It is a matter of achievement. He accomplished his mission.

170. General FRANK. What was your social status with Grafe?

Colonel WYMAN. Social status with Grafe? Well, on one [3477] occasion, Colonel and Mrs. Wyman were the guests of Mr. and Mrs. Grafe at their home in Los Angeles, and I think there were other guests present; yes, there were other guests present, because I remember that we played games after dinner. It is my recollection that on another occasion when the negro pugilist, the present champion, Joe Louis, fought a fight in Los Angeles, that Mr. Grafe invited all the district officers to attend that fight, and prior to the fight he gave a buffet dinner in, I think, the Biltmore Hotel. I am not certain; or it could have been the California Club; to a large group of officers he knew; not only from the district engineer's office but other officers on duty in Los Angeles that he knew; and then we attended the fight.

171. General FRANK. Were you ever present at the Biltmore Hotel in an apartment at an entertainment or at a social gathering with Grafe?

Colonel WYMAN. I, with Grafe?

172. General FRANK. Yes; in an apartment.

Colonel WYMAN. I don't remember any such event, with Grafe.

173. General FRANK. When were you first advised of the possibilities of the basic Hawaiian contract 602?

Colonel WYMAN. Advised of the possibilities of it?

174. General FRANK. Yes.

Colonel WYMAN. The first recollection I have of any proposal to go on a contract for this work was on the occasion of General Hannum's visit to Midway Island, and as I remember, we were on a dredge out there observing the work, when we had a discussion of the possibilities of an extensive [3478] program for the Hawaiian Department, and began to talk of ways and means of how we could do the job. I proposed to finish Midway at that time, by the 1st of December; which I did; and we did the work there by a hired-labor force, entirely government employees, and it was my idea that we would take our Midway force and bring them back as they came back and put them on this job, because it has always been customary to build light fire-control stations and that sort of thing with hired labor.

That was customary. That's not only here, but elsewhere. And we more or less played with our idea of doing the work, as I said, by hired labor, because we didn't know at that time the extensiveness of the program. We sighted it. After we got back to Honolulu I attempted to make plans for a hired-labor job, and I actually purchased the necessary lumber, cement, and steel for the ammunition storage at Wheeler Field, with the view of putting it in with our own labor.

175. General FRANK. This was about when?

Colonel WYMAN. This is in November; early November, 1940. I also approached various people regarding the hire of plant, and I remember discussing with a Mr. Hess, who was doing work in Hawaii near Hilo, the construction of a road, which had been stopped, I believe, due to lack of funds, or some other reason, as to whether or not he would hire his plant; and I also recollect that Robinson, my chief assistant, made inquiries about the place for the hire of plant, and made inquiries on the contracting, with the Hawaiian Contracting Company—that is the Dillingham outfit—as to whether they could help us, and they had no interest.

[3479] At about that time, I received a letter from Colonel Hannum, which I quoted, and I think that is one of my first exhibits, which I can read again.

176. General FRANK. No.

Colonel WYMAN. In which he sets forth that he had inquired of the Chief of Engineer's Office, Major Gesler, as to how this work should be done, and what the Chief's proposal was. That is shown in Gesler's letter to Hannum and Hannum's letter to me; and after receiving that letter, I personally called up Grafe, because I knew that they were finishing the Prado Dam and had an organization available, and I requested over the telephone whether he would be interested in work in Hawaii. He was probably reluctant to make any commitment at all, but he finally said that he would send to Hawaii some engineers to take a look at the job, who would report to him later, and he would act accordingly, he would act after receiving this information; and then at that time I received orders from the division engineer to proceed to the United States, and that he, General Hannum, would arrange for interviews with contractors, and he had Kelton, the district engineer at Los Angeles, make up a regular itinerary for me, to interview contractors, and made inquiry of many contractors as to their interests; some of them showed up, and some didn't.

177. General FRANK. What information at that time did you have with respect to speed for this contract?

Colonel WYMAN. Speed? The usual information we always have; that is, that funds must be spent or at least firmly obligated in the same year that they are appropriated by act of Congress; otherwise the funds are covered back into the Treasury of the United States, and lost.

[3480] 178. General FRANK. I am talking about it from the point of view of military requirements.

Colonel WYMAN. Of the military requirements?

179. General FRANK. Yes.

Colonel WYMAN. Well, we always build things with speed if we can, as fast as conditions will permit us. That is an engineer department

custom and directive. We never permit work to lag if we have the money to pay for it and the authority to go ahead with the work.

180. General FRANK. Did the Hawaiian Constructors, in the end, finish the work that was assigned to them?

Colonel WYMAN. You mean after I left?

181. General FRANK. Yes.

Colonel WYMAN. I haven't the slightest idea. I never made inquiry. I don't know. I notice that in the files I find out that the reserve gasoline storage was ready for use in 1943, about a year after I left here.

182. General FRANK. What are the relative duties of the district, division, and the Chief of Engineers' offices on the award of a contract?

Colonel WYMAN. The relative duties?

183. General FRANK. Yes.

Colonel WYMAN. Well, I can read that from Orders and Regulations.

184. General FRANK. I would like to have you tell me.

Colonel WYMAN. Well, I can tell you. At what date? At this time?

185. General FRANK. On December 20, 1940.

Colonel WYMAN. Oh, the relative duty? Under the ability to make a contract, at that time, the district engineer I think [3481] was \$50,000; anything above that had to go to a higher authority. The division engineer, as I recollect it, was probably \$100,000, and as I remember it, the Chief of Engineers was \$300,000; and above that, it had to go to the Secretary of War. Now, that is entirely from memory, and that has changed many times. There was a time prior to that when the district engineer's authority to make a contract was limited to \$10,000.

186. General FRANK. Did you conduct any investigation of the availability of contractors to take over this work, on your own initiative?

Colonel WYMAN. Oh, yes. On my own initiative; yes. We took a look. When General Hannum was here, we took a look of the contractors in Hawaii, and decided that all of them that were here, both local contractors and contractors from the mainland were fully engaged, and that we would make no effort whatsoever to utilize a contractor who was working for the Navy at that time or working for the Construction Quartermaster; that is, we would not interfere with their activity in any way by trying to take one of their contractors away from them, on this work; and he and I had even at that time agreed, as you can see by this letter that I quote, that the only place we could expect to get any contractors was from the mainland.

187. Major CLAUSEN. Let the record show that I am handling Colonel Wyman what purports to be the Articles of Agreement dated 20 December 1940. Sir, is that a photostatic copy of the agreement, the basic contract, bearing that date? Would you take a look at it to see?

[3482] General FRANK. Between the Corps of Engineers and the Hawaiian Constructors?

Colonel WYMAN. What is the question?

189. Major CLAUSEN. Whether that is the contract.

Colonel WYMAN. No, that is not a contract.

190. General FRANK. That is the basic contract, isn't it?

Colonel WYMAN. No. Oh, this here? I haven't the least idea what this is—"Articles of Agreement, Office, Chief of Engineers."

191. Major CLAUSEN. If you keep turning the pages, sir, you will come to your signature.

Colonel WYMAN. Yes, I see that.

192. Major CLAUSEN. Is that your signature?

Colonel WYMAN. Yes; that is my signature. That is a reproduction of it. It is not my writing. It looks like the contract; yes—a reproduction of the contract.

193. General FRANK. That copy of the contract has not been placed in the record, yet, as an exhibit, and I just wanted it identified and placed in the record as an exhibit.

Colonel WYMAN. Well, this appears to be a copy of the contract. I don't know that it is complete. It looks as though it might be.

194. General FRANK. It is taken from the records of the office of the Chief of Engineers.

195. Major CLAUSEN. The Engineers sent it over to us. Were there any papers in there that are missing that you can tell, Colonel?

Colonel WYMAN. No, I can't. Yes, this is signed by Theodore Wyman, and by Paul Grafe for the contractors, approved by J. L. Schley, Chief of Engineers; approved, 3 January 1941, by Robert Patterson, the Under Secretary of War.

[3483] 196. Major CLAUSEN. This contract refers to an exhibit "B", which is attached. There is no exhibit "A" attached. Can you tell me why that is?

Colonel WYMAN. I haven't the slightest idea. The contract was written by the Office of the Chief of Engineers.

197. Major CLAUSEN. We offer this in evidence, as exhibit 46.

(The document referred to, being the so-called "basic contract," dated 3 January 1941, was marked Exhibit No. 46, and was received in evidence.)

198. Major CLAUSEN. Now, I show you what purports to be a supplemental agreement between the contracting parties, dated March 22, 1941, and ask you to look at that and see if you can identify the signatures, and that contract, as being a supplement to the basic contract.

[3484] Colonel WYMAN. It is signed by Warren Hannum, Contracting Officer, Division Engineer; Hawaiian Constructors, Grafe; approved by Julian Schley, Chief of Engineers; approved by Robert Patterson, Under Secretary of War.

199. Major CLAUSEN. You identify those signatures, do you, Colonel, as being photostatic copies of the signatures of those persons?

Colonel WYMAN. Oh, I don't know. I know here is Hannum's. Yes, that looks like Hannum's, all right. It looks like Grafe, too. Schley, it look—I think so.

200. Major CLAUSEN. All right. We will offer that in evidence as the exhibit next in order.

(Supplemental agreement dated March 22, 1941, signed by Colonel Warren T. Hannum, Mr. Paul Grafe, and Robert P. Patterson, was marked Exhibit No. 46-A and received in evidence.)

201. General FRANK. You had something to do with the work that was covered by those contracts, didn't you?

Colonel WYMAN. Oh, yes. Yes.

202. Major CLAUSEN. I will show you this supplemental agreement No. 2 and ask you whether you recognize this document, photostatic copy, dated the 5th day of May, 1941, as being a supplemental agreement to the basic contract of that date. It has no number. It is just called the supplemental agreement.

Colonel WYMAN. I think it was No. 3.

203. General GRUNERT. Look at it.

Colonel WYMAN. No. I mean the other one.

[3485] 204. General GRUNERT. I mean look at the other one. if there is anything on the record there, let's see.

Colonel WYMAN. Just a supplemental agreement.

205. Major CLAUSEN. That is all.

206. General GRUNERT. It doesn't give any number, does it?

Colonel WYMAN. It doesn't give any number, no, sir.

207. General GRUNERT. What date?

Colonel WYMAN. 22nd day of March, 1941.

208. Major CLAUSEN. This is "3" here.

Colonel WYMAN. This is supplemental agreement No. 2.

209. Major CLAUSEN. All these documents were given to the Board by the Engineers.

Colonel WYMAN. This is signed by me, by Grafe, approved by General Kingman and Robert Patterson, the Under Secretary of War.

210. General FRANK. You are conversant with the work covered in the supplemental agreement?

Colonel WYMAN. I haven't read them. I could read them.

211. General FRANK. Any question about it?

Colonel WYMAN. No, sir. I was just looking through. Yes, sir; some of these items I am familiar with. Some I don't remember so well.

212. General GRUNERT. Since the witness is testifying about it, he has the privilege of saying yes or no and examining it to make sure that he knows what he is testifying to.

213. General FRANK. That is true.

214. General GRUNERT. Although it takes time, it is necessary time and must be taken.

215. Major CLAUSEN. Have you looked it over, Colonel?

[3486] Colonel WYMAN. Well, I have just glanced at it.

216. Major CLAUSEN. Those signatures represent the signatures, do they, of the parties?

Colonel WYMAN. That is, the question asked me is whether I am familiar with all this work.

217. Major CLAUSEN. Yes, sir.

Colonel WYMAN. Well, some I am and some I am not. I am not certain. The signatures appear to be authentic.

218. Major CLAUSEN. All right. We will offer that document—may I have it, please—in evidence as the exhibit next in order.

(Photostatic copy of supplemental agreement No. 2, dated May 5, 1941, was marked Exhibit 46-B, and received in evidence.)

219. Major CLAUSEN. I hand you supplemental agreement No. 3, dated May 22, 1941, and I ask you to take a look at this and see if you recognize the signatures as being those of the contracting parties.

Colonel WYMAN. Yes, they appear to be authentic. Some of these signatures, like on this here, there is a set here signed by Robinson. Signatures to the contract are signed by Benson.

220. Major CLAUSEN. You recognize those signatures, sir?

Colonel WYMAN. Yes, on the supplemental agreement I recognize them.

221. Major CLAUSEN. All right. We offer this in evidence as exhibit next in order.

(Supplemental agreement No. 3, dated May 22, 1941, was marked Exhibit 46-C, and received in evidence.)

[3487] 222. Major CLAUSEN. Now, I show you supplemental agreement No. 4, dated June 19, 1941, and invite your attention to the terms and the signatures, and ask you whether you can identify those signatures as being the ones of the contracting parties.

Colonel WYMAN. That is right.

223. Major CLAUSEN. All right, sir. May I have it? We offer this in evidence as exhibit next in order. Those are the contracts, sir.

(Contract was marked Exhibit 46-D, and received in evidence.)

224. General FRANK. How did it happen that in selecting contractors to come to Hawaii you went only to Los Angeles? Why didn't you go to Seattle, Spokane, New York?

Colonel WYMAN. Well, I consulted with the Division Engineer, General Hammum, and I interviewed contractors in San Francisco in his office and in Los Angeles. The requirements were, under this board that cleared the contractors I think that you submitted three names only. That was the War Department requirement. So just going around interviewing contractors would not have much sense to it unless they—or because of the expense attached to it it wouldn't be justified, and also it was desirable to find contractors as soon as we could.

Of course, you understand, I think, that—at least, I can tell you—that there was no contract made with this outfit or any other outfit except by the Engineer Department, in the Office of the Chief of Engineers. That's where the contract was made, and it was the—when Grafe and Connolly were there, it was brought to their attention that as Caddoa Builders the construction of the Caddoa Dam might be curtailed by Act of [3481] Congress and the amount of work cut down in the interests of getting contractors engaged on war contracts; and, they being the builders of the Caddoa Dam, it was suggested to them that they utilize their organization to do this work; and there was no meeting of minds, no agreement whatsoever, of any kind, until a conference was held in the office of General Schley, and the matter was discussed, and General Schley of course knew Grafe because Grafe had worked for him on the Madden Dam at Panama while General Schley was Governor of Panama, and knew him very well and was satisfied with the employment of the company.

225. General GRUNERT. Were there in existence at any time during that period any instructions, any division of the United States into territorial areas where contractors were selected from that area to do work within the area or nearby?

Colonel WYMAN. Yes, sir. There is a directive issued by the War Department announcing construction policy, and attached to that directive there was an appendix issued which divided the United States

into regions, and it directed district engineers, construction quarter-masters, and other agencies employing contractors, would employ contractors from the region in which the work was located, or perhaps in some cases in the state in which the work was located; and in that document the region prescribed for Hawaii was the Pacific Coast in California.

Now, I have been unable to locate the appendix to that document, but it is a War Department publication. I cannot remember whether it was issued by the Under Secretary of War's office, the Army and Navy Production—Munitions Board, but one [3489] of the high ranking levels of our War Department issued that directive, and I have been unable to find it, but of course it can be found.

226. General FRANK. Did that prevent you from going any place on the West Coast?

Colonel WYMAN. I could only go on the West Coast as the Division Engineer directed me to. He issued my travel orders. I could not—have no authority to issue them to myself. And he did direct me to go to Los Angeles, and he directed Kelton to have ready an itinerary of contractors to be reviewed.

227. General FRANK. That eliminated all contracting talent, then, in the Northwest?

Colonel WYMAN. Well, unless—you see, he was out—we were in the South Pacific Division. The North Pacific Division was another division of the United States, and the Engineer Department at that time—I think the Division Engineer was General Lee. General Hannum was at San Francisco.

228. General FRANK. Yes.

Colonel WYMAN. He could hardly go into another division engineer's area for contractors. But that is merely an observation of mine. But he did direct me to go to Los Angeles. When I reported back to him, he said that no contract could be made here, due to the special conditions obtaining, for a fixed fee, that is, a cost-plus-a-fixed-fee contract, and it was necessary not only to make the contract in Washington but to get it cleared through this board that existed at that time, and also the approval of the Assistant Secretary of War's office.

229. General FRANK. Who initially determined on the contractors [3490] to be considered for this Hawaiian job?

Colonel WYMAN. The initial list that was gotten up for me was gotten up by General Hannum and Colonel Kelton, the District Engineer at Los Angeles.

230. General FRANK. I know, but who selected, who made the initial selection of the people to be offered the contract?

Colonel WYMAN. I just stated, Colonel Kelton, the District Engineer at Los Angeles, and General Hannum, the Division Engineer at San Francisco; and I in one case, as I said, had talked with Grafe of the Callahan Company, and he had sent some engineers out to take a look at the job, and they went back and reported. What they reported, I don't know.

231. General FRANK. Well, who determined that the Callahan Company, the Gunther-Shirley Company, and the Rohl-Connolly Company were to be considered as the co-adventurers?

Colonel WYMAN. The Chief of Engineers, the Assistant Chief of Engineers, Washington, D. C., made the final decision, and they took

the same outfit that was known as the Caddoa Builders, the builders of the Caddoa Dam, co-adventurers on that project, known as Caddoa Builders.

232. General FRANK. Well, the Chief of Engineers didn't have much opportunity to select anybody else when you went to Washington with Grafe as the representative of that outfit.

Colonel WYMAN. I was sent to Washington by General Hannum and to assist the Chief of Engineers in negotiating the contract.

233. General FRANK. Somebody selected that group. Who was it that selected them? General Hannum?

Colonel WYMAN. General Hannum and I were satisfied with [3491] Grafe, and Connolly was showing interest in the job; and General Robins, now General Jim Newman, the Chief of Engineers General Schley, the head of the contract section in the Chief's office—I don't know who he was at that time—made the selection. Yes, sir.

234. General FRANK. However, there was one selection put up on a platter to them at that time, whether they took it or left it.

Colonel WYMAN. They could have rejected it and ordered other people in.

235. General FRANK. Yes, but they didn't do it.

Colonel WYMAN. Well, I don't—

236. General FRANK. They accepted it?

Colonel WYMAN. They accepted it, yes, sir. But the whole negotiation was in the Office of Chief of Engineers.

237. General FRANK. And the next person below that who selected these people was General Hannum, from you?

Colonel WYMAN. Well, General Hannum and Colonel Wyman together.

238. General FRANK. I see.

Colonel WYMAN. Everything we did, we did after consultation with each other and jointly.

239. General FRANK. You did not, then, make the original recommendation to him that these people be the ones considered?

Colonel WYMAN. To General Hannum?

240. General FRANK. Yes.

Colonel WYMAN. They were the only ones that showed any interest. We saw the Steve Griffith Company, the Bressi Company, Guy Atkinson, talked to Guy Atkinson for a long time right in the General's office, in which he was adamant in [3492] holding out for an 8 percent fee, and there were others, and the only ones that showed any interest at all was Grafe, the Callahan Company, and Gunther-Shirley, and then later Connolly showed some interest and agreed—he showed enough interest to agree to journey to Washington and to interview the Chief of Engineers regarding it. And the only meeting of minds that was ever agreed to prior to the approval of the award to these people was in General Robins' office when he said to them, "You are the Caddoa Builders. There is a possibility of the Caddoa Dam being curtailed as to size and magnitude, and therefore your outfit could take on this job." And they were the only ones who had agreed to show any interest in it, out of this whole crowd that I talked with, except Mr. Guy Atkinson, at a price, which we couldn't agree to, of course, had no authority to agree to any such thing, and—

241. General FRANK. Mr. Grafe, for the Callahan Company, had been interested in it from the start, hadn't he?

Colonel WYMAN. Well, he was interested in it, because he showed enough interest to send two engineers to Honolulu to look at the job, and to have them report to him as to the character of the work and the conditions of employment.

There was another thing at that time. The use of the cost-plus-a-fixed-fee contract and the so-called negotiated lump-sum contract was first coming into use, under an Act of Congress of July 1940, and contractors knew little about it, and regulations were coming out from time to time and being sent out to district engineers, so they could explain the conditions of the cost-plus-a-fixed-fee contract.

The contractors did not favor the idea because they [3493] thought when Congress was passing this Act that it was like the World War Acts or what is known as the cost-plus contract, where, whatever the work cost, they got a certain percentage, like 10 percent or 5 percent. But in the cost-plus-a-fixed fee the fee was agreed to beforehand, and it never changed. Regardless of what the work cost, the fee remained the same unless it was renegotiated due to being exorbitant, or that sort of thing. As, for instance, the fee on this Contract 602 of the total amount of work performed under the contract, I am informed that the fee was about 1 percent of the cost, which is a very cheap and probably one of the cheapest construction contracts we have had.

242. General FRANK. The Gunther-Shirley Company, according to the method that they operated with the Callahan Company, was sort of an allied corporation, wasn't it?

Colonel WYMAN. Well, I think it was allied due to—I don't know the reason. The Gunther-Shirley Company is a Nebraska corporation, and one of—the head of the company is a man by the name of Phil Shirley. He was the acting head and has always been associated with work, I think, with Callahan, but, however, they take on independent work of their own.

243. General FRANK. All right. Now, how did the Rohl-Connolly outfit fit into this picture?

Colonel WYMAN. The Rohl-Connolly outfit were the co-adventurers with the Callahan Construction Company, the Gunther-Shirley Company, known as Caddoa Builders, who were building the Caddoa Dam in New Mexico. They were already co-adventurers on another project.

244. General FRANK. Who is the head of the Gunther-Shirley [3494] Company? Shirley?

Colonel WYMAN. Phil Shirley, as far as I know. Philip Shirley.

245. General FRANK. Was Mr. Callahan living at that time?

Colonel WYMAN. Bill Callahan? Oh, yes, he was living.

246. General FRANK. Who was the head of it, Callahan or Grafe?

Colonel WYMAN. Head of what?

247. General FRANK. Head of the W. E. Callahan Company.

Colonel WYMAN. Oh, Callahan. Callahan is the head of the company.

248. General FRANK. He was living at that time?

Colonel WYMAN. I think so, but I think he was sick, ill. I am not certain about that.

249. General FRANK. Yes. Who is the head of the Rohl-Connolly Company?

Colonel WYMAN. Well, I don't know who is head of it. I don't know.

250. General FRANK. Well, it must have had a head.

Colonel WYMAN. I would have to read their stock—their minutes of their last election as a corporation. They are a corporation, corporation of Nevada. I don't know who is the head of it; but in this deal that we are talking about, Mr. Connolly represented the Rohl-Connolly interests and was present in the Chief's office at Washington, D. C.

251. General FRANK. Why wasn't Mr. Rohl present?

Colonel WYMAN. I haven't the slightest idea.

252. General FRANK. Is there any question about the Rohl-Connolly Company coming into the contract? Did they want to come into the contract?

[3495] Colonel WYMAN. The first interview I had with Mr. Rohl in the office of the District Engineer at Los Angeles, he said no, he had no interest. Then he came back later in the day and stated that he had talked to Mr. Connolly, and Mr. Connolly had an interest in the job, and they would be glad to see me and discuss it, and he did journey to Washington and met me there in the War Department. That is, we went to the War Department together with Grafe, and the matter was discussed in the contract section of the Office of Chief of Engineers, in the office of the Assistant Chief of Engineers, in the office of the Chief of Engineers, before any meeting of minds was effected.

253. General FRANK. The contract was signed by this group on the 20th of December and finally signed by Mr. Patterson about the 3rd of January, wasn't it?

Colonel WYMAN. I think that's about correct.

254. General FRANK. Yes. Who represented the company in Hawaii at that time?

Colonel WYMAN. Mr. Grafe was attorney in fact for all three outfits.

255. General FRANK. Was he here present?

Colonel WYMAN. Oh, yes, he was here. He came over in early January and was here until—of 1941, and was here until January 1942, but he did make one or two trips back to the United States.

256. General FRANK. Who represented the Rohl-Connolly interests over here?

Colonel WYMAN. Mr. Grafe. He was attorney in fact for the Rohl-Connolly Company.

[3496] 257. General FRANK. For all three outfits?

Colonel WYMAN. All three outfits.

258. General FRANK. When did you start to try to get Mr. Rohl over here?

Colonel WYMAN. Well, it is stated, I notice, that I wrote Rohl a letter, I think in February, and that was the time that we were having great difficulty with Mr. McCullough, who was the superintendent and who was not getting under way to our satisfaction; and I recollect talking to Mr. Grafe about it, and Mr. Grafe registered considerable anger and stated that we didn't pay enough to a superintendent to get a good superintendent, and that he could never get a good superintendent at the price that the United States permitted under this contract, which was \$9,000 a year; that his superintendents earned fifteen, twenty, twenty-five thousand dollars, depending on the job, and there-

fore I could never expect to get a good superintendent. So I said, "Well, let's"—

259. General FRANK. For whom was this superintendent working? For you or for the—

Colonel WYMAN. He was working for Mr. Grafe, the project manager, who was resident and on the job. And I took exception to that, to the fact that the United States of America couldn't have a good superintendent on a job because law and regulations permitted only the payment of \$9,000 a year as a maximum salary. And we had quite an argument about it, and the argument—

260. General FRANK. Well, if he was working for the contractors were they limited?

Colonel WYMAN. Why, yes, sir; they are limited by regulations. All the prices paid the men had to be approved [3497] under orders and regulations, and the maximum they could be reimbursed for the employment of any official in their company was \$750 a month; and he complained that he couldn't get any good superintendent, that a good superintendent in the United States could earn anything from \$1,500 to \$2,500 a month in any good contracting outfit.

And so as a result of that argument, and which I complained to General Hannum about it, I wrote a letter to Rohl and requested him to come over here for the purpose of seeing if we couldn't get a better superintendent to succeed McCullough, and as a result of that—

261. General FRANK. What was his reply?

Colonel WYMAN. How?

262. General FRANK. What was his reply?

Colonel WYMAN. I got his answer—his letter reply?

263. General FRANK. Yes.

Colonel WYMAN. I don't know that I ever got a letter. However, I do know—

264. General FRANK. Well, whatever his reply was, what was it?

Colonel WYMAN. I don't know. I don't know that I got a letter. The only reason—I have not seen the letter. The only reason I recollect this is because it's in this document, but the point is that—

[3498] 265. General FRANK. Did you ever get a reply of any kind from him?

Colonel WYMAN. From Rohl?

266. General FRANK. Yes. I am just asking about a reply to this letter.

Colonel WYMAN. I do not recollect any reply at all.

267. General FRANK. What happened?

Colonel WYMAN. Well, I think I wrote some letters to the Hawaiian Constructors, and finally Mr. McCullough was taken ill. He had, I believe, a slight heart disorder, or something, and then Grafe agreed to send over here Mr. Ashlock, who had been the superintendent of the New Prado Dam, and I believe the Hawaiian Constructors paid Mr. Ashlock out of their own pockets, the difference between what was a reimbursement item of \$9,000 a year and whatever salary they paid him. I don't know what they paid him.

268. General FRANK. Did these corporations that you had have working organizations or did they have a working organization to represent the Hawaiian Constructors?

Colonel WYMAN. You mean here at this place?

263. General FRANK. Yes.

Colonel WYMAN. They had just one great working organization.

270. General FRANK. From where did they collect that? Did they bring that over from this dam, Martin Dam?

Colonel WYMAN. No, they brought them from Prado Dam in California, and some of them from Caddoa Dam in Arizona. Mr. McCullough—I don't know where he comes from, but he was a Callahan man. In the early part of the job the Callahan [3499] Construction Company took over the management of the work on the pier in Honolulu.

271. General FRANK. How did you work with that outfit? Did you give them the job orders and then let them proceed with the work in accordance with the organization over which they had control?

Colonel WYMAN. They had to do more than that. After a project was authorized and the plans were all made and an estimate of cost had been made, a job order was issued, and that job order had to be approved by the Division Engineer at San Francisco before it was authorized for construction. You will notice the job orders went to San Francisco and came back approved.

When a job order was approved, then field construction and the expenditure of money was authorized. In other words, that is the document that authorizes the expenditure of money. We were operating in peace time, where the expenditure of money was a very serious matter and had to be accounted for dollar for dollar by the District Engineer and his subordinates.

With the job order there was an estimate of materials needed, an estimate of man-hours of labor, an estimate of machinery that should be employed, to guide the contractor. Now, he might agree or disagree with that. In many cases he would disagree, and he with his force would consult with the District Engineer, until they had a meeting of the minds on what the job should cost.

Also the time, the time was always under dispute, because the contractor had to buy his stuff in the United States largely, was dependent upon the transportation in getting ships to haul it. He had to buy his equipment in the United States and bring [3500] it over here, and he had to bring his labor over here, because we entered into an agreement, which was largely brought about by the Navy Department, who had great activity on this island, that one agency of the government would not solicit the labor of other agencies by offering them higher wages. As far as I know, the Hawaiian Constructors religiously paid attention to that requirement and never tried to proselyte labor from any other contractor. They brought their labor in from the United States, which all takes time.

272. General FRANK. How much did the District Engineer influence the operation of the contractor, once he had been given the job order and plans?

Colonel WYMAN. The District Engineer maintained an advisory control board, which met once a week, and which consisted of the heads of all divisions, all area engineers in charge of the field work, and representatives of the constructor, that is the Hawaiian Constructors, and at these meetings every subject was discussed, that is, the engineering, the preparation of drawings, the purchase of equipment, the procurement of men, the progress being made on the work, the

hours of labor, difficulties with labor. That is all in the minutes of these meetings.

273. General FRANK. You assumed a supervisory capacity over the contractor?

Colonel WYMAN. Well, the contractor administered—the work in the field is administered by the area engineer in whose area the work is being done. That is the job and duty of the area engineer. He in turn has job engineers over each separate job.

[3501] 374. General FRANK. To what extent was the contractor's organization allowed to function as an independent unit?

Colonel WYMAN. Well, they were permitted to function as an independent unit as far as they could. There was no interference except for things that they could not do. For instance, they could not get transportation sometimes and we would assist them. Very frequently they were unable to procure things on account of priorities, priorities established by the government, and our people would assist them. Frequently they could not get labor, and even the District Engineer at Los Angeles and other places assisted them in getting labor. They also assisted them in getting transportation for their labor from the United States to Honolulu. In this San Francisco office of General Hannum's they had an employment agency there both for the physical examination of people that came over here and also for the furnishing them their transportation.

275. General FRANK. How many talks did you have with Rohl before you got him over here?

Colonel WYMAN. Talks?

276. General FRANK. Yes.

Colonel WYMAN. I do not know.

277. General FRANK. Did you call him on the phone?

Colonel WYMAN. I don't think I ever called Rohl on the phone, except once, that I recollect, and at that time I called him on the phone the subject matter was whether or not he would rent the VEGA to either the United States or to the Hawaiian Constructors.

278. General FRANK. Did he ever call you on the phone?

Colonel WYMAN. Yes, he did.

[3502] 279. General FRANK. For what purpose?

Colonel WYMAN. In the calls that were made in late 1941, while he was in the United States, it was chiefly regarding the equipment that was going to Canton Island and Christmas, that is, what equipment he could furnish and how long it would take him to get it ready and that sort of thing, and also the extent of the work as to the number of gangs of men, concrete workers, cat operators, and so forth, that we would work. That was in late—that was in, I should say, late October and November of 1941.

Beyond that I cannot recall any subject matter discussed by Rohl with me. I do know that on one occasion he got me up—I think it was either he or someone else—got me up early in the morning. It was one of these telephonitis parties where they call up people throughout the country, and it made me very angry. I believe that call came from—I think Washington or some point in the Eastern part of our United States. It was not California. But there were other calls of the same nature, telephonitis calls, where people were gathered together and they would call you on the telephone. Why, I do not know. Of course, anybody can call you on the telephone.

280. General FRANK. How many of these telephonic calls, as you term them, did you get from Rohl?

Colonel WYMAN. I had several. Oh, he called me once—I can tell you another occasion he called me. I designed and wrote the specifications for the Sepulveda Dam in the Los Angeles flood control system at Los Angeles, in which I created my flood control plan for Los Angeles County, which is now approved as a national plan. The bids for the building of that [3503] dam were advertised while I was in Los Angeles. I had a great interest in this dam, because it was something new, where you could build a dam and reservoir right in the heart of a city, which that is. I recall I was on duty at Scofield Barracks. I was playing golf in the afternoon. I was called from the golf links and told there was an important call for me on the transpacific telephone.

I got to my house, and it turned out it was Mr. Rohl, and the information he gave me was that he had attended the bidding, the opening of bids that day for the Sepulveda Dam and that the low bidder was the Bressi Construction Company, who would probably be awarded the job, and he said "Hello" and he also informed me of the death of Mr. Thaddeus Merriman, who was a very eminent engineer in the United States and who died just about the time that I got into Hawaii. He informed me of that. I recall that very distinctly.

281. General FRANK. Do you think that this series of transpacific calls evidenced just a casual interest and acquaintance between you and Rohl?

Colonel WYMAN. I don't know what to think. I would say it was a very silly idea to spend money calling me up on the telephone from parties under the spell of telephonic. It was very, very silly to do. Especially I was amazed when I saw in the Congressional report the amount of money that was spent on some of those calls. I think in some cases he probably talked to more than one person, not only to me.

282. General FRANK. When did you first learn that Rohl was an alien?

Colonel WYMAN. I first learned that Rohl was an alien from [3504] Mr. Grafe in June, 1941, when Mr. Grafe informed me that Rohl was an alien, and I immediately sat down without delay and wrote a letter to the Chief of Engineers, announcing that I had been informed by Mr. Grafe of the Hawaiian Contractors that Mr. Rohl was an alien, also that Mr. Rohl had applied for citizenship. I do not recollect what else in the letter, I have forgotten, but I sent that through channels. It went to the Division Engineer, thence to the Chief of Engineers. That was in June, I am certain—the date of the letter is whatever the date of that letter is, that is the date Grafe told me that Rohl was an alien.

283. General FRANK. Did you meet John Martin in Washington while you were negotiating that contract?

Colonel WYMAN. Well, I remember a person came there while I was in Grafe's room whose name was John Martin, a lawyer. He talked with—well, the group there, and I remember he stated that he was engaged on the claims of a contractor who, due to changes by orders, what we call orders, had accumulated a lot of claims on the Pennsylvania turnpike, and he discussed in some detail in

my hearing the arguments for and against the claims of the contractor. He was there for a little while and then he departed. That was the only occasion I think I have ever seen Mr. John Martin.

284. General FRANK. You did not know that Marin told Grafe in Washington that Rohl was an alien?

Colonel WYMAN. No, I did not know that. I did not know whether he did, or not. I do not know.

285. General FRANK. Don't you think it was rather queer, when there was some question about a defense contract being in the [3505] hands of an alien, that they should not have told you about it?

Colonel WYMAN. I do not know. If they told me about it I would merely have told the Chief of Engineers right on the spot.

286. General GRUNERT. What was the occasion of Grafe informing you of Rohl's status as an alien; what brought it up?

Colonel WYMAN. You see, there was an act of Congress came out about employing aliens on defense work, and we wrote letters to everybody inquiring whether or not they had any aliens in their employ, and it came up as a result of that inquiry.

287. General GRUNERT. This was the date you wrote the letter?

Colonel WYMAN. Yes, sir, that he informed me that he was an alien.

288. General GRUNERT. Was this the time the War Department put this out?

Colonel WYMAN. Oh, no. I put the inquiry out some time before that. I don't know. That is a matter of record. The records show the date. You see, at this time Mr. Rohl was in the United States. He never had been in Honolulu as far as I know, he had never taken any part in the contract.

289. General FRANK. In these telephone conversations where you were discussing work on the Hawaiian Islands with Rohl, the Hawaiian Islands airdromes were defense contracts, were they not?

Colonel WYMAN. Yes, but he was a citizen when I talked to him. That was after he became a citizen. You see he came to Honolulu after he became a citizen. Then he immediately went back to the United States to get plant and men to go to Canton and Christmas Islands, and he went back to the United States and [3506] got plant from his job at Highgate Dam, brought it to Los Angeles, rehabilitated it, put it in good shape. He got men and organized them into gangs, superintendents, and put some aboard the transport LUDINGTON. It was during that period that I recall talking to him about the plant for the Canton and Christmas Islands.

290. General FRANK. You say you took steps to get him naturalized?

Colonel WYMAN. No, I did not take any steps at all to get him naturalized. I suggested to the Chief of Engineers that something had to be done about it; he had to be, in my opinion, either taken off the job or—he complained, I believe, to Grafe that he was unable to get a hearing in a court, in a regular court, and I think in my letter, which I have not seen since I wrote it—I don't know what it says—it says that he had applied for citizenship, and Mr. Grafe told me he had applied for citizenship and was unable to get a hearing, or whatever you get when you are applying for citizenship.

That letter went to the Chief of Engineers, just as a routine matter. The idea was that the Chief of Engineers would do something about it. That is, it would take a court order or something to order him off the job or to dissolve himself from the company or to get citizenship. Of course, as I recall it, that was a matter more for the Secretary of War's office than any other office to handle, because they had the right of approval.

291. General FRANK. We have some testimony from some witnesses from the Office of the Chief of Engineers relative to the fact that either a letter or telephone conversation from you asked [3507] that his naturalization be expedited.

Colonel WYMAN. Oh, no. No, I did not. I asked that it be expedited?

292. General FRANK. Yes.

Colonel WYMAN. No. I wrote a letter to the Chief of Engineers through channels. That went through General Hannon over to the Chief of Engineers and, I understand, the Acting Chief of Engineers, General Kingman, wrote a letter to the Attorney General of the United States in which he suggested that Rohl be given a hearing, or whatever was required to get citizenship, and I understand he was given a hearing and was granted citizenship.

293. General FRANK. Did you say you sent out letters to the different contractors calling attention to this provision of the law by virtue of which an alien could not participate in a defense contract?

Colonel WYMAN. I think my office sent out letters, yes.

294. General FRANK. Will you furnish the Board a copy of one of those letters?

Colonel WYMAN. I would have to go into the files to find it.

295. General FRANK. Would you do that?

Colonel WYMAN. Yes, I will be glad to. It is a letter to the contractors requesting whether or not they employ any aliens.

296. General FRANK. And at the same time will you see if you can get a copy of the letter that you wrote to the Chief of Engineers about Rohl?

Colonel WYMAN. If I can find it, yes, sir.

[3508] 297. General FRANK. Rohl was associated with you more or less directly from the signing of that contract of December 20th on through to June, when you learned he was an alien?

Colonel WYMAN. Associated with me?

298. General FRANK. Yes.

Colonel WYMAN. I never saw Rohl.

299. General FRANK. You might not have seen him, but you talked to him?

Colonel WYMAN. He talked to me over the telephone, as I have suggested. He talked to me on some occasions. I gave you the substance of it.

300. General FRANK. Some of these conversations were official and some of them were personal?

Colonel WYMAN. No, they were chiefly—some of them were what I call telephonitis, as I said before, people at parties calling their friends throughout the country, people they are associated with, but I remember the one that I told you about, about the Sepulveda open-

ing of bids, when I was at Schofield Barracks, and another one that I remember that came in very early in the morning, I think about 5 o'clock, that aroused my anger and then there were some others where they were just "Hello, how are you?" and that kind of stuff. Then in November I did talk to him or he did call me about how many shovels, how many this and how many that we needed to send to Canton Island and Christmas Island.

[3509] 301. General FRANK. In these telephone conversations, however, between December and June, some of which were official in their nature, what official information did you discuss with him?

Colonel WYMAN. From December to June?

302. General FRANK. Yes.

Colonel WYMAN. I don't think they were official and I cannot recollect anything that was discussed, not a thing. As I said before, anybody can call you on the telephone, unless you have a means of preventing it, which I do not have.

303. General FRANK. How many times did you initiate calls to Rohl officially?

Colonel WYMAN. I have a recollection of one, and that was the time when we decided to start the surveys for the airfields projected from here to Australia, which was first to the Philippines, and then later a route up, I think, to the Ellice Islands, where we needed a sail boat for Sverdrup, and survey parties to make those trips, and it occurred to me that Rohl did own—I didn't know that he still owned it at the time—a sail boat which was seaworthy and had crossed the Pacific and would be suitable for the work. I called him on the telephone at that time and, as I said before, he was quite reluctant about letting us have the boat, because he said he had a probable buyer and he was anxious to get rid of the boat.

304. General FRANK. To whom did the boat belong?

Colonel WYMAN. I assumed it belonged to Mr. Rohl. I do not know to whom it belonged.

305. General FRANK. Do you know in whose name it was registered?

Colonel WYMAN. No, I did not, not until later on. I think it was claimed it was registered in the name of his wife.

[3510] 306. General FRANK. When did Rohl finally arrive in Hawaii?

Colonel WYMAN. He came here, as I recall it, early in October, and then he left within a few days.

307. General FRANK. How long did he stay?

Colonel WYMAN. I don't know. Not very long. He went back as soon as he could get transportation for the purpose of getting this equipment off the Highgate Dam, getting it down to Los Angeles, rehabilitating it and loading it out on a ship, a government ship, for Canton Island and Christmas Island, and to organize a force to go out there. He didn't come back here until the last Luriline, the Wednesday before Pearl Harbor. Sunday is the 7th. The 3rd of December.

308. General FRANK. What position did Rohl have after he arrived over here?

Colonel WYMAN. They had at that time a Board of Directors or executive committee—I have forgotten what it was called—with Mr.

Grafe at the head and Rohl was a member of that operating committee, the other members being Woolley and Benson.

303. General FRANK. Who was the head of the group, Rohl or Grafe?

Colonel WYMAN. Grafe, Mr. Grafe.

310. General FRANK. Grafe finally went back to the States, didn't he?

Colonel WYMAN. He went back some time about the middle of January in 1942. He was at the head until he went back. He was at the head of the company until he sold part of his stock, which is a matter of record, to the Hawaiian Contracting Company.

[3511] 311. General FRANK. Was Rohl's service over here satisfactory to you?

Colonel WYMAN. Yes, sir. He built the Kahuku, that big one way out here. He built Kapapa. He built that long runway out at Dillingham's farm there. He paved those runways, and those runways were all in use before I left here on March the 20th, 1942, which is probably a record in airfield construction.

312. General FRANK. Was Rohl a pretty reliable sort of engineer?

Colonel WYMAN. Rohl, is a very, very competent constructor, builder of things, especially the movement of rock, breakwaters, heavy construction, concrete, earth grading, or what is ordinarily—where we used heavy construction machinery. For instance, he built the El Capitan Dam across the San Diego River, which is a very big project. He built the Highgate Dam across the Colorado River at Parker, and he built other dams. He built the Long Beach-Los Angeles breakwater at a very cheap price. He built some very difficult highways along the coast of—

313. General FRANK. What were your social relations in Hawaii with Rohl?

Colonel WYMAN. In Hawaii?

314. General FRANK. Yes.

Colonel WYMAN. Prior to Pearl Harbor I recollect that I had dinner in his house, Mrs. Wyman and I and other guests, among others Army officers and their wives. That is the only time I ever recollect having dinner with him at his house. Another time, at the house of another person here in Honolulu, a [3512] rather prominent man, where Rohl and I were guests, when I was a guest there.

Another time I remember someone gave a party at the Royal Hawaiian and among other guests there were Mr. and Mrs. Rohl.

On one occasion I had Mr. and Mrs. Rohl at my house for dinner, in return for the courtesy they extended to me. That is all that I recollect.

Oh, I met him at Schofield, at a party one night, in some officer's house. He and she were there. You see, the Rohls were well known in Honolulu, because they won with their boat the Honolulu race, which in the Pacific Ocean is considered quite a feat, and they knew a great many people here.

315. General FRANK. Where did they live?

Colonel WYMAN. They lived, as I recall it, when I first came here, in what they call a beach house somewhere in the vicinity of Black Point, near Diamond Head. After the blitz, after Pearl Harbor, rather—please correct me on that—I think Mrs. Rohl moved with

friends, Rohl and Mrs. Rohl moved to somebody's house here with friends, and lived with friends, because their house was right under the guns of Ruger and they were advised to get out.

316. General FRANK. Did she go back to the States?

Colonel WYMAN. She was evacuated to the United States on a Navy transport, I think in February. I am not certain.

317. General FRANK. When did you leave?

Colonel WYMAN. I left the last week in March.

318. General FRANK. Was there any friction between the engineer and the contractors?

Colonel WYMAN. Oh, I think there were spots here and there [3513] where there would be some friction between a local superintendent, a foreman or inspector, and a local job engineer. There were many things we had to straighten out from time to time. However, that sort of thing did not come to my attention much. That was more up to the operations officers and area engineers. But, in general, up to the time of the assault on Pearl Harbor, I think in the last few months, the engineers, District Engineer's office, and the constructors were getting along pretty good.

319. General FRANK. Was there any friction between you and the Department Engineer?

Colonel WYMAN. The Department Engineer is dead. He was a great friend of mine. I would just as soon leave his name out of this discussion, if that is permissible.

320. General FRANK. It has to do with the matters at hand that we are discussing. I would like an answer to it.

Colonel WYMAN. There was friction between Colonel Lyman and Colonel Wyman at a conference held by Colonel Phillips, Chief of Staff of the Hawaiian Department. The friction was over the authority of the Department Engineer to assign to me work and order me to do it. The matter was discussed over the telephone with the Division Engineer, who told me to take the matter up with the Department Commander and to do whatever the Department Commander told me to do.

321. General FRANK. Division Engineer?

Colonel WYMAN. Division Engineer told me to do, General Hannum. So I went to the Department Commander and discussed it with him, and as a result of the discussion there came an order out, at least instructions out, that all orders to the [3514] District Engineer from the Hawaiian Department would be issued by G-4 of the Hawaiian Department. From that time on there were no very cordial relations between Colonel Lyman and Colonel Wyman. However, we still ate together and the night before I left here he came down and had dinner with me at a hotel.

322. General FRANK. Who was G-4 at the time?

Colonel WYMAN. Colonel Marston, and his assistant was Colonel Fleming who formerly had been the assistant to the Department Engineer, Colonel Lyman.

(There was a brief informal recess.)

[3515] Colonel WYMAN. General, I thought I could find a transcript of a telephone conversation, where I took up with General Hannum over the telephone this question of jurisdiction of the Department Engineer over the district engineer, and such a transcript

does exist. I had it, but I don't seem to have it here, and I would be glad to try to produce it and submit it; but the sense of it is that I requested General Hannum to take up with the Chief of Engineers and secure for me approving authority for work to be done, especially in connection with airfields, and that I was receiving many requests for work which in my opinion had no merit and which I would start working on this week and then be called off of the next week; or possibly would get an order today and we would go to a lot of trouble to organize, to carry out this order, where in a day or two the entire thing would be rescinded; and that sort of thing created great confusion not only in my office but also in the office of the constructor who would go to great trouble to organize a job and get it going and then someone would say to stop the job, and they just think that the people are gone crazy and are not capable of running the jobs under any such condition; so I complained, General, to General Hannum, and he told me to take the matter up with the Commanding General himself. Well, the Commanding General was not accessible to me, except when he sent for me. More frequently I might get to his Chief of Staff, General Collins or General Phillips—or Colonel Collins and Colonel Phillips; but as a result of this clash of personalities in this conference, over where he abused me verbally, Queen Lyman, in the presence of a lot of other officers present in a conference held in these headquarters, [3516] at which Colonel Phillips presided, and at which I am certain Colonel Marston was present, Colonel Fleming, and other staff officers of the Hawaiian Department; and Colonel Hannum told me in the telephone conversation if a project to me appeared absolutely worthless and had no merit at all to take it up with the Commanding General or to give it a low priority, or have the Commanding General give it a low priority. Well, as a result of all that it was agreed that all orders from the Hawaiian Department to the district engineer would come through G-4; and they did.

Since then I have been informed by competent authority that during this period that I was district engineer the Department Engineer by law exercised no jurisdiction over me whatsoever. However, I had played ball with the Commanding General and had carried out his orders, whatever they might be; which, of course, under martial law was correct.

As you know, in March, the district engineer's office and the Department Engineer's office were more or less consolidated and placed under the direct jurisdiction of the Commanding General of the Hawaiian Department, and on the occasion when that was done, General Emons sent for me. "Wyman," he says, "do you want to stay here with me, or would you rather go back to the United States, and I understand you can get a regiment and go overseas." And after thinking about it a few minutes, I told the General that I would be delighted to stay with him, but that I am a combat soldier, my entire training has been for that, and I would like to get a combat engineer outfit and go overseas to any theater where there were any prospects of action; and so he recommended on the strength of that that I be relieved from the Hawaiian Department; and I was, [3517] by order of the War Department; and Colonel Lyman succeeded me.

I might also state that during this period of difficulty due to misunderstandings, that Colonel Lyman did in my opinion unjustly

censure, reprimand officers under my command. He did it in a manner, at the lunch table, where I felt it my duty to protect these officers and to say something in their behalf, because they were patriotic young officers under the district engineer who were giving everything they had to carry out the will of their superiors; and which did result in a clash of personalities, and which did cause ill feelings.

However, it was my duty as a junior officer to make amends with Colonel Lyman, which I did, and he and I became very friendly again and we had been friends for years, and we had most cordial relations during the period of the turn-over and just before I departed from the Hawaiian Islands.

323. Major CLAUSEN. What do you mean by a "turn-over," Colonel?

Colonel WYMAN. The relief when Colonel Wyman took over my administration: that is, relieved me as district engineer.

324. Major CLAUSEN. Sir, this morning you mentioned something about the AWS, and you assigned certain reasons as being the causes for delays. You also stated in that connection that there were 148 other projects?

Colonel WYMAN. 148 other jobs.

325. Major CLAUSEN. Other jobs?

Colonel WYMAN. Somebody has counted them up for me, and I believe that is true.

326. Major CLAUSEN. Yes. Now, that evidence you gave was in connection with the committee charges, as I understand it, [3518] that you failed to complete these AWS installations or facilities on time, prior to Pearl Harbor, is that correct?

Colonel WYMAN. Well, nobody knew that Pearl Harbor was coming. I didn't know it. We were pushing the work as rapidly as we could under the conditions.

327. Major CLAUSEN. Yes. I say, your evidence was in connection with the charge contained in the committee report in that connection?

Colonel WYMAN. Well, not necessarily. It is in connection with any charge. I tried to answer these charges in this committee report as they occurred—these allegations rather, not charges. Most of them are allegations.

328. Major CLAUSEN. Well, all right. These 148 jobs were jobs that were in the process of construction or work prior to Pearl Harbor, were they?

Colonel WYMAN. They were; I understand there were about 148 jobs altogether.

329. Major CLAUSEN. Where did you get the basis for that testimony with respect to the 148 jobs?

Colonel WYMAN. I counted them up. You see we had, I think it is, 98 jobs over here for the Hawaiian Constructors, alone. I had numerous other contractors operating under me in the construction of projects at Hickam Field.

330. Major CLAUSEN. You say you had 98 of these 148?

Colonel WYMAN. I understand that there are 98, which I have been informed was the number of job orders issued to the Hawaiian Constructors prior to December 7. My authority for making that statement is the district engineer's office at Punahau Campus. I understand there is a map here that shows [3519] the locations of those 98, that is available to you right now.

Now, in addition to those 98 jobs there were many other jobs under contract at Hickam Field and Wheeler Field, and I had dredging jobs for the Navy at Palmyra and at Pearl Harbor, Kaneohe Bay. I had dredging jobs for Kalihi Lagoon, I had dredging jobs for improvement of the reserve channel in Honolulu harbor.

331. Major CLAUSEN. These latter that you mention are not part of the 98?

Colonel WYMAN. No, no; they are additional ones.

332. Major CLAUSEN. They are Hawaiian Constructors jobs?

Colonel WYMAN. I understand it is 98; yes; and they are all shown here on a map which can be brought here as an exhibit prepared by the district engineer's office at Punahou.

333. Major CLAUSEN. Now, these maps that you referred to this morning, or the plans that you put your hands on several times this morning—whose responsibility was it with respect to those plans, to furnish those to you?

Colonel WYMAN. The Signal Corps.

334. Major CLAUSEN. The Signal Corps?

Colonel WYMAN. The Chief Signal Officer.

335. Major CLAUSEN. And do I understand that the maps or plans that you have there were all furnished by the Signal Corps?

Colonel WYMAN. That is right. Would you like to see them?

336. Major CLAUSEN. No, sir.

Colonel WYMAN. I can show them to you. Some of them were delivered as late as December 4, 1942.

337. Major CLAUSEN. I do not want to see them. You also this morning made a rather elaborate statement of your military [3520] history prior to Pearl Harbor and after Pearl Harbor, but you skipped the Canal project?

Colonel WYMAN. Well, someone deleted it for me. I told you that when I came here.

338. Major CLAUSEN. You failed to mention in particular, sir, did you not, that you were reprimanded under the 104th Article of War for your negligence on that job?

Colonel WYMAN. Well, no, sir; I didn't. I wrote it in, but the sheet, if it was there, was not in this file this morning.

339. Major CLAUSEN. Let me show you, Colonel, a letter dated May 5, 1943, to you, from General Somervell, administering you a reprimand under the 104th Article of War for your activities up in Canada, and ask you whether you received this document?

Colonel WYMAN. That is in connection with the fire at Dawson Creek.

340. Major CLAUSEN. Yes, sir.

Colonel WYMAN. That is right. I am quite sure I did. This has nothing to do with Pearl Harbor.

341. Major CLAUSEN. What is that, sir?

Colonel WYMAN. I say it has nothing to do with Pearl Harbor.

342. Major CLAUSEN. What did your work at Cherbourg have to do with Pearl Harbor?

Colonel WYMAN. Well, it was in the interests of the United States for me to work at Cherbourg.

343. Major CLAUSEN. You recall this, do you not, Colonel?

Colonel WYMAN. I didn't have any more to do with that than you did.

[3521] 344. Major CLAUSEN. You recall this document that I showed you?

Colonel WYMAN. I have seen this before; yes.

345. Major CLAUSEN. Yes; and you accepted this reprimand without appeal?

Colonel WYMAN. Well, no. I had a long conversation with General Somervell regarding that reprimand.

346. Major CLAUSEN. It states on here:

On May 17, 1943, receipt acknowledged, no request or demand for trial is submitted.

Did you make that statement?

Colonel WYMAN. I did.

347. Major CLAUSEN. We offer this in evidence as the exhibit next in order.

(Letter dated 5 May 1943, to the Commanding General, 8th Service Command, signed by Brig. Gen. Madison Pearson, G. S. C., Deputy Chief of Administrative Services, was marked Exhibit 47 and was received in evidence.)

Colonel WYMAN. Well, may I have a chance to explain that?

348. Major CLAUSEN. Yes; I have no objection.

Colonel WYMAN. The reprimand that you mentioned was in connection with a very disastrous fire and explosion at Dawson Creek, Alberta. I was not present at the fire at Dawson Creek, at the time of this explosion. At the time of the explosion I was with a commanding general of the Northwest Service Command, General O'Connor, and I had nothing whatsoever to do with the cause of the explosion and the fire—not a thing to do with it. The only thing is that I was the division engineer of the Northwest Division; and the first sentence in the orders for [3522] the division engineer in Orders and Regulations is that the division engineer is responsible for every occurrence in his division. In other words, whatever happened in that division was my responsibility; and I accept that responsibility.

349. Major CLAUSEN. Now, so far as your statements are concerned regarding Rohl, you referred to this committee report, and I am going to ask you whether you have read this report over in connection with the allegations against Hans Wilhelm Rohl?

Colonel WYMAN. No; I didn't read it all over. I read parts of it, and about his personal conduct, I didn't read it, at all.

350. Major CLAUSEN. When did you get the report first, Colonel?

Colonel WYMAN. The first copy of the report was handed to me by the War Department at Washington, D. C.

351. Major CLAUSEN. Now, you made the statement before this Board this morning that the House Military Affairs Committee called for no other witnesses?

Colonel WYMAN. That is right. I was so informed by the War Department.

352. Major CLAUSEN. Did you ask the committee for the privilege of appearing before the committee?

Colonel WYMAN. Oh, no. No. I was overseas, and I understand that they—this is all only understanding—that they requested me to appear before the committee, but when they were informed that I was overseas they withdrew the request. I had no knowledge of that request at all. I had no knowledge of this committee report until I arrived in the United States.

353. Major CLAUSEN. Did you ever ask the committee, upon your return to the United States, to see the evidence that backed [3523] up this committee report?

Colonel WYMAN. No, I didn't ask the committee, at all.

354. Major CLAUSEN. You stated something about having met Hans Wilhelm Rohl in Los Angeles, I think, in the year 1935, and I believe you stated that the bids were opened for this breakwater. Did you meet Mr. Rohl before those bids were opened and the contract let?

Colonel WYMAN. I think it was at the same time. I arrived at Los Angeles on the 20th of July, and I think the bids were opened the last part of the month or the first part of August; and it was on that occasion that I met both Mr. Rohl and Mr. Connolly, as I remember it.

355. Major CLAUSEN. So, as a matter of fact, the contract for this breakwater in the amount of \$850,000 was approved by you with respect to the Rohl-Connolly Construction Company in August 1935, was it?

Colonel WYMAN. Oh, no; it was awarded to them by the Chief of Engineers. I had no authority to award a contract to them.

356. Major CLAUSEN. Well, I said, you approved the award of the contract?

Colonel WYMAN. I did not approve the award of the contract. The Chief of Engineers approved the award of the contract.

357. Major CLAUSEN. Just what did you do with regard to the contract, Colonel?

Colonel WYMAN. All I do is make an abstract of the bids, and then I send that forward through channels recommending that the bid of the low bidder complying with the specifications be accepted.

[3524] 358. Major CLAUSEN. Yes; and in this case you recommended, therefore, that the bid of the Rohl-Connolly Construction Company be accepted?

Colonel WYMAN. That is right; if they were the low bidders; and I think they were.

359. Major CLAUSEN. Now, with regard to the Long Beach-Los Angeles breakwater job in the amount of \$2,145,000, did you do the same thing, on August 6, 1936?

Colonel WYMAN. Yes; they were the low bidders, and they did qualify. They had already built some satisfactory breakwaters, and it was my duty to recommend them because they were the low bidders; and it was done so.

360. Major CLAUSEN. So far as this cost-plus-fixed-fee contract was concerned, was the Hawaiian job the first one that you had to administer and as to which you had anything to do?

Colonel WYMAN. Cost-plus-fixed-fee?

361. Major CLAUSEN. Yes, sir.

Colonel WYMAN. This is the first one; yes, sir.

362. Major CLAUSEN. Do you recall that prior to the time that that contract was made you had received from the Chief of Engineers or Assistant to the Chief of Engineers this letter. November 24, 1941, subject, "Conduct of Work under Cost-Plus-a-Fixed-Fee contracts," which I hand you, sir?

Colonel WYMAN. Oh, no. You see, this is November 24, 1941. This letter came a year later. This contract was made in November 1940.

363. Major CLAUSEN. Well, did you ever receive similar instructions?

Colonel WYMAN. Well, this is a circular I dare say came to my office; I don't know. This is a year later. This is just a few days before Pearl Harbor. This was issued just a [3525] . . . few days before Pearl Harbor; probably got to my office probably the 1st of January.

364. Major CLAUSEN. That is correct.

Colonel WYMAN. Didn't get here, because we didn't have a mail for a long time.

365. Major CLAUSEN. But the statement of the policy in there to be followed with regard to cost-plus-a-fixed-fee contracts, did you receive such instructions from the Chief's office?

Colonel WYMAN. I would have to look in our files to see when this came.

366. Major CLAUSEN. Well, all right. Let me read you a part of it. It says here:

(Excerpt from instructions on cost-plus-fixed-fee contracts:)

When work is to be done under a cost-plus-a-fixed-fee contract the Government exercises great care to select a contractor of outstanding ability and experience, and pays him a fee for the use of his organization.

Colonel WYMAN. Now, wait a minute.

367. Major CLAUSEN. Was that your concept of the cost-plus-a-fixed-fee contractor before you entered into or approved this one concerning the Rohl-Connolly Company?

Colonel WYMAN. I have told you several times that the meeting of minds to enter into this contract was in the office of the Chief of Engineers, with persons present like General Robins, the Assistant Chief of Engineers, the head of the contract section, General Schley, the Chief of Engineers; and there was no meeting of minds to make a contract with this outfit until that time.

368. Major CLAUSEN. That is not the question, Colonel.

[3525] Colonel WYMAN. Well, I say, that is when it was made.

369. Major CLAUSEN. No.

Colonel WYMAN. There were other minds in the picture besides mine.

370. Major CLAUSEN. My question, sir, is this—whether this is your concept of a cost-plus-a-fixed-fee contract, that—

The Government selects a contractor of outstanding ability and experience and pays him a fee for the use of his organization.

Colonel WYMAN. Well, please understand that I am a subordinate officer, I have no views of my own. I carry out the policy of the War Department as it is announced from time to time, whatever it may be.

371. Major CLAUSEN. Well, what was your understanding of a cost-plus-a-fixed-fee contract?

Colonel WYMAN. I learned about it after I got to Washington, all about the features of it.

372. Major CLAUSEN. Had you never had one before?

Colonel WYMAN. I had none before; no; but I had a blank form which was sent out with a circular which gave us some idea about it.

373. Major CLAUSEN. Now, you said Rohl had done satisfactorily quite a few jobs for the Government. Was that work performed to your personal knowledge before you entered into this basic contract of December 1940?

Colonel WYMAN. Oh, yes. You see, he did work for the Reclamation Service, work for the Indian Service, worked for the State of California, and had worked for the Engineer Department. I got that in the report, here.

374. Major CLAUSEN. Well, this is true, isn't it, Colonel [3527] Wyman, that Mr. Rohl was an essential part of that organization?

Colonel WYMAN. I have always understood that he was a stockholder in the organization, and he exercised considerable supervision over work that they did; yes.

375. Major CLAUSEN. And you mention that with regard to his work here in Hawaii; you told General Frank that he had performed various jobs about the island in a highly satisfactory manner?

Colonel WYMAN. He did that in 1942, and in the months of January, February, and March, when I was here; very satisfactory.

376. Major CLAUSEN. And he had done that before December 1940, according to your testimony?

Colonel WYMAN. Why, sure. Here is what he did.

377. Major CLAUSEN. I didn't ask you just exactly what he did. You can state it for the record if you want, but my question is this.

Colonel WYMAN. Yes; but he did the Los Angeles breakwater, U. S. E. D.; the Newport Jetties, City of Newport; Los Angeles breakwater No. 2; Los Angeles Breakwater No. 3; Seal Beach jetty; Rock Dyke, City of Long Beach; Headgate Dam, U. S. Indian Service; Point Arguello breakwater, U. S. Coast Guard; dredging and rip rap, City of Long Beach; Redondo breakwater, City of Redondo; Hueneme breakwater, District of Hueneme. I say he did all those things.

378. Major CLAUSEN. Now, you mentioned that to General Frank, before. My question now is, with regard to those various jobs, he, himself, personally—that is, Mr. Rohl—played an active part in the construction of those jobs, did he?

[3528] Colonel WYMAN. He did on the breakwater at Los Angeles.

379. Major CLAUSEN. Yes. Well, all right. Now, in December 1940 when you entered into the contract or had these discussions at Washington, you expected that Mr. Rohl would do the same thing with the Hawaiian job, didn't you?

Colonel WYMAN. Oh, no. No. He built concrete work. He has built the Hellgate Dam at—this is, his company was—at Parker, Arizona.

380. Major CLAUSEN. Yes, but you were entering into a contract here in Hawaii, and you expected Mr. Rohl himself personally to help with this work over here, didn't you?

Colonel WYMAN. Oh, no, he didn't have any interest in it when I first knew him. The only member of the outfit that had any interest was Connolly.

381. Major CLAUSEN. That isn't my question, Colonel Wyman. My question is: During the time in December 1940 when you had this contract approved in Washington, you expected Mr. Rohl personally to come over here to Hawaii and conduct the work?

Colonel WYMAN. No. We agreed in Washington; Mr. Grafe would conduct the work, and the Callahan outfit would furnish the supervisory help over here, at first.

382. Major CLAUSEN. In other words, in Washington in December 1940 you did not expect Mr. Rohl to come to Hawaii; is that correct?

Colonel WYMAN. No. Mr. Grafe—I didn't know whether he would come or not, but Mr. Grafe accepted the responsibility of being the project manager in Hawaii.

383. Major CLAUSEN. And so far as the Rohl-Connolly organization is concerned, your testimony is that in December 1940 you did [3529] not expect him to pay any part in it here in Hawaii?

Colonel WYMAN. I wouldn't know.

384. Major CLAUSEN. You wouldn't know?

Colonel WYMAN. How would I know?

385. Major CLAUSEN. Well, you said that you——

Colonel WYMAN. Except that it was agreed with Tommy Robins, General Tommy Robins, and General Schley, that Grafe and the Callahan Company would use their force from their supervisors, superintendents, from the Caddoa Dam and from the Prado Dam, to supervise the work here in Hawaii.

386. Major CLAUSEN. And where was Mr. Rohl? What part was he to play in this Hawaiian job?

Colonel WYMAN. I don't know. He wasn't present at these conferences.

387. Major CLAUSEN. I didn't ask you that. What part was he to play——

Colonel WYMAN. I don't know.

388. Major CLAUSEN. —in the Hawaiian job?

Colonel WYMAN. Well, you would have to ask the company that. I don't know.

389. Major CLAUSEN. You had no comment or no discussion concerning that at all?

Colonel WYMAN. None at all in the offices of the Chief of Engineers or elsewhere.

390. Major CLAUSEN. Let me invite your attention, Colonel Wyman, to a letter which you wrote to Mr. Rohl in January, January 22, 1941, which you set forth as Exhibit I to this I. G. report of Colonel Hunt. Would you read that, please, and see if you wrote that letter to him on that date?

[3530] Colonel WYMAN (reading) :

Mr. ROHL,

Rohl-Connolly Company, 4351 Alhambra, Los Angeles, California.

DEAR SIR: Reference is made to Secret Contract No. W-414-eng-602 with the Hawaiian Constructors for work in the Hawaiian Islands.

As you are actively interested in this venture, I desire you to proceed to Honolulu at your earliest convenience to consult with the District Engineer relative to ways and means to accomplish the purpose of the contract. You will be allowed transportation either by clipper or steamboat, both ways, and travel allowance not to exceed \$6.00 per day while enroute in accordance with existing laws and regulations.

You will make application to either the District Engineer at Los Angeles or the Division Engineer, South Pacific Division, San Francisco, for transportation.

Very truly yours,

THEODORE WYMAN, Jr.,
Lt. Col., Corps of Engineers.

January the 22nd. I state in here that this is a secret contract, but I think it had been reclassified as a restricted contract as of that date.

391. Major CLAUSEN. Now, my question, Colonel, is whether you [3531] wrote that letter to Mr. Rohl.

Colonel WYMAN. I believe that I wrote such a letter.

392. Major CLAUSEN. Is there any question about it in your mind?

Colonel WYMAN. Not any, except that I remember sending and asking him to come over.

393. Major CLAUSEN. All right. Now, what answer did you get from him?

Colonel WYMAN. I don't know, and I don't remember that, whether or not I ever got any answer.

394. Major CLAUSEN. From that day, January 22, —

Colonel WYMAN. He did not come.

395. Major CLAUSEN. —1941, down to, as I believe you said to General Frank,—what date was it that he arrived here? September 1941?

Colonel WYMAN. I think it was in October.

396. Major CLAUSEN. Did you write him any other letters at all?

Colonel WYMAN. I have no recollection of any. I might have. I don't know. But I don't remember.

397. Major CLAUSEN. We have asked the Engineers to furnish us copies of all such letters. We have received none so far.

Did you have any telephone calls during that interim with Mr. Rohl concerning the subject matter of your letter of January 22, 1941?

Colonel WYMAN. No, I didn't call Mr. Rohl. I didn't call him.

398. Major CLAUSEN. I didn't ask you whether you called him. Did you have any telephone calls with him?

[3532] Colonel WYMAN. Regarding this matter?

399. Major CLAUSEN. Yes, sir.

Colonel WYMAN. I don't remember any telephone call regarding this matter.

400. Major CLAUSEN. Now, you testified also, to General Frank, that between certain dates you had certain telephone calls and that a lot of this was telephonitis. Did you indulge in this telephonitis on the mainland?

Colonel WYMAN. I never did.

401. Major CLAUSEN. Or did Mr. Rohl?

Colonel WYMAN. I never indulged in telephonitis. I never had any money to pay for it.

402. Major CLAUSEN. Yes. Did Mr. Rohl?

Colonel WYMAN. But I notice that many, many contractors and I have even seen Army officers indulge in telephonitis and call in long-distance telephones, calls to their friends, from parties and places like that. I understand that Rohl is a person—I have been told so—who suffers terribly from telephonitis and calls people up throughout the United States at will.

403. Major CLAUSEN. As a matter of fact, he is also a person that charts planes, isn't he, at will?

Colonel WYMAN. I don't know about that.

404. Major CLAUSEN. Or did.

Well, in any event, on page 34 of this House Committee report there are listed some thirteen telephone calls between yourself and Mr. Rohl, Mr. Rohl being on the mainland and you being here in Hawaii. What proportion—

Colonel WYMAN. Between me and Rohl?

[3533] 405. Major CLAUSEN. Yes.

Colonel WYMAN. Or between Rohl and me?

406. Major CLAUSEN. Well take it either way.

Colonel WYMAN. Rohl to me.

407. Major CLAUSEN. Yes. Either way at all. What proportion of those do you put down as telephonitis calls?

Colonel WYMAN. I would say that the calls here around October 30, October 31st, October 31st; there seems to be two; November 3rd, November 8, November 12, were all calls in relation to the preparation of equipment and the transportation of the equipment to Los Angeles for loading on the U. S. transport LUDINGTON. Also the organization of gangs of men for excavation crews, concrete crews, asphalt crews, for the building of the runways of the airports at Canton Island and Christmas Island. That's the telephone calls, because I can recollect that he did call me regarding the amount of equipment, the size of the gangs, details of getting them aboard transport, and that sort of thing.

408. Major CLAUSEN. Now, I am struck by the significance of the calls you have selected, of those which occurred after he was naturalized.

Colonel WYMAN. That's right.

409. Major CLAUSEN. Tell me about those that occurred—

Colonel WYMAN. I can remember back.

410. Major CLAUSEN. Tell me about those that occurred prior to that time.

Colonel WYMAN. In May 22, I do not know. March 19, I do not know. February 5th, I do not know. January, here's one I see that's—that is Robinson's to me; I don't know. [3534] January 17, I don't know. The 9th, the 4th, the 21st, July 15, 1940, I don't know. However, before this there was a call—

411. Major CLAUSEN. You mean in—

Colonel WYMAN. In addition to these.

412. Major CLAUSEN. In addition to these listed on this page?

Colonel WYMAN. I do remember one when I was on duty at Schofield when I got called off the golf course to answer a telephone call. It was from Mr. Rohl, and he was calling me up to tell me about the bids at the Sepulveda Dam.

413. Major CLAUSEN. The one you told us about?

Colonel WYMAN. I told you about that and the death of Thad Merriman.

414. Major CLAUSEN. All right. Now that you have had your memory refreshed maybe a bit, tell me whether in connection with this letter where you asked Mr. Rohl to come over here, this letter of January 22, 1941, where you say, since he is actively interested in the venture, that you desire him to proceed to Honolulu at his earliest convenience—whether you did not discuss that on the telephone.

Colonel WYMAN. I don't recollect discussing it on the telephone.

415. Major CLAUSEN. You want the Board to understand that the first time that you knew that he was an alien was June?

Colonel WYMAN. Oh, yes, absolutely. The first time that I knew that Rohl was an alien was on the occasion of Mr. Grafe coming to my office and informing me that Mr. Rohl was an alien and in—passed a letter to me setting—stating so, and also stating that Mr. Rohl had made application for citizenship; and immediately after that information was received I called in [3535] a stenographer

and dictated a letter to the Chief of Engineers setting forth the statements made in Rohl's—in Grafe's letter. Just what I said in that letter, I don't know. I have forgotten, because I haven't seen it since the day I wrote it, but I understand the letter is in existence and therefore can be read.

416. General GRUNERT. Do I understand that Grafe told you this in a letter?

Colonel WYMAN. Oh, yes. He submitted a letter.

417. General GRUNERT. Have you got a copy of that letter?

Colonel WYMAN. I don't have a copy of it, no, sir. There is a copy, though.

418. Major CLAUSEN. Where are these copies?

Colonel WYMAN. Why, I suppose they are in the files of the District Engineer's office.

419. Major CLAUSEN. You mean here in Honolulu?

Colonel WYMAN. I think so, yes.

420. Major CLAUSEN. Well, we were informed that General Bragdon was going to get us certain letters.

(There was colloquy off the record.)

421. Major CLAUSEN. All right. Then let me ask you this, Colonel Wyman: Have you looked for such letters since you have arrived here in Honolulu?

Colonel WYMAN. I have just thumbed through files that were made available, and I have not come across those letters. However, I have not—

422. Major CLAUSEN. Now, so far as the question that you were asked by General Frank concerning this basic contract and the necessity for speed, you said something about the the Engineers [3536] always proceeding with speed. Isn't it true, though, that in this particular contract there was a need for greater speed than ordinary?

Colonel WYMAN. Oh, we put on all the speed we could.

423. Major CLAUSEN. Well, what instructions as to this did you receive, and from whom?

Colonel WYMAN. Instructions about what?

424. Major CLAUSEN. This increased speed with respect to this contract.

Colonel WYMAN. Oh, I received a request from the Commanding General of the Hawaiian Department in July, to try—

425. General FRANK. July?

Colonel WYMAN. July 1941, to try to finish the A. W. S. stations as quickly as possible, because the equipment was arriving. I read that letter this morning.

426. Major CLAUSEN. As a matter of fact, there were also instructions given you in Washington, weren't there, regarding the need for speed and the completion of this job?

Colonel WYMAN. In Washington?

427. Major CLAUSEN. Yes, sir; in December of 1940.

Colonel WYMAN. I don't remember any specific instructions from the Chief of Engineers or General Robins except that we would make the same speed as we usually do in consummating work.

428. Major CLAUSEN. You know at that time, in December 1940, that this job would run over the one million and some-odd dollars mentioned, didn't you?

Colonel WYMAN. Well, only by hearsay.

429. Major CLAUSEN. And by hearsay you mean what, sir?

[3537] Colonel WYMAN. Well, we learned from General Hannum that there might be an increase in the size of the job due to the fact that large programs were being considered for the Hawaiian Islands, especially construction of airfields and that sort of thing. That was just hearsay, except that I can remember distinctly—I can't remember the exact occasion—where the General told me we should have very strong contractors, because we should organize somewhat like the Navy. The Navy had a combination of co-adventurers known as the Naval Constructors on their job; and that it might be a good thing for the Army to consider that arrangement too, and therefore for any work that came up, why, you would have the strength of organization to handle it as soon as you could get additional equipment, and that sort of thing.

430. Major CLAUSEN. When did Colonel Hannum tell you that, Colonel?

Colonel WYMAN. We talked about that, I think, the first day that I was in San Francisco, or it could have been earlier, or it might have been when we were at Midway. I don't know. It was in one of our conversations.

431. Major CLAUSEN. Well, when you went to Los Angeles then, sir, did you tell that to Mr. Rohl?

Colonel WYMAN. Oh, no. No, I didn't tell him that.

432. Major CLAUSEN. You are sure you didn't tell him that?

Colonel WYMAN. I couldn't have any reason to tell him.

433. Major CLAUSEN. Did you tell any other contractors down there the fact that the contract might be blown up?

Colonel WYMAN. I don't think I told anybody, because I wouldn't have any just reason to tell them that.

[3538] 434. Major CLAUSEN. In other words, you didn't tell these contractors, when you assembled them at Los Angeles, that this contract, while it was for \$1,000,000, might be for much more?

Colonel WYMAN. No, but I think they were told in Washington by—in the Chief's office that there would probably be more work which could be done under this contract, because these are pretty large contractors and they are interested in big work, and if there is any possibility of getting big work, why, they would be interested, of course.

435. Major CLAUSEN. So far as Atkinson is concerned, the only thing that he knew was that this was a million and some-odd dollar job, and he demanded a certain fee?

Colonel WYMAN. Well, he did most of his talking with General Hannum, and I couldn't tell you what General Hannum told him, but he did put in for 8 percent.

436. Major CLAUSEN. And is that the only time you told anybody about the fact that this contract would go higher?

Colonel WYMAN. I didn't tell it to them in Washington, and it was told to them by others.

437. Major CLAUSEN. And who told whom?

Colonel WYMAN. And I think I was present in the room. I don't know who told them that, but it could have been General Robins; it could have been General Schley. I don't know who told them, but I can remember that some such statement was made, and that was made at the time when they suggested that the Caddoa Constructors take this job, and the Caddoa Constructors were these three companies.

438. Major CLAUSEN. And this statement regarding the contract, this possibility of being increased, was told to whom?

[3539] Colonel WYMAN. I think it was told to Grafe and to Connolly in Washington. I am not certain, though, exactly about it. This happened—you know, you are asking me questions about hearsay stuff that happened four years ago.

439. Major CLAUSEN. Yes. Well, you recall—

Colonel WYMAN. A long time ago.

440. Major CLAUSEN. At Los Angeles that you did have two specific talks with Mr. Rohl, once when he indicated no interest—

Colonel WYMAN. "No." He said, "No."

441. Major CLAUSEN. And once when he came back and indicated some interest?

Colonel WYMAN. And said Connolly would be interested, might be interested.

442. Major CLAUSEN. And then do you recall that you had also a talk with him in San Francisco in the Palace Hotel?

Colonel WYMAN. No, I don't remember that I did.

443. Major CLAUSEN. Do you recall having had a talk with Mr. Connolly when you returned from Washington, at his home?

Colonel WYMAN. Yes, I believe I did. I got caught in Los Angeles—I mean in San Francisco over Christmas and couldn't be—could not get back to Honolulu, and I remember that Mr. Connolly took mercy on me and invited me out to his family house, with his family, to eat dinner one night. That's right.

444. Major CLAUSEN. And prior to that time you had met Mr. Connolly, hadn't you, en route to Washington from the West Coast?

Colonel WYMAN. When we went to Washington Mr. Connolly [3540] got on the same plane that I did at Chicago.

445. Major CLAUSEN. Now, before that time the man who had indicated the interest was Mr. Grafe; isn't that correct?

Colonel WYMAN. Well, Mr.—well, not only Grafe but also Gunther and Shirley.

446. Major CLAUSEN. Well, Gunther and Shirley and Callahan Construction Company are represented by Mr. Grafe?

Colonel WYMAN. Well, no, no. No. At that time when they came in to Los Angeles I think there was Shirley came in to represent Gunther and Shirley for Mr. Grafe. Mr. Grafe wasn't there.

447. Major CLAUSEN. Well, Mr. Grafe is the man who in the East represented these two firms, isn't he, Gunther and Shirley and the Callahan Construction Company?

Colonel WYMAN. I don't know, but he did—he was attorney in fact for these three companies on this 602 job.

448. Major CLAUSEN. But it was Mr. Connolly that came there representing the Rohl-Connolly Company?

Colonel WYMAN. That is right; or representing himself; I don't know which.

449. Major CLAUSEN. Well, you had these two men, then, representing these contractors?

Colonel WYMAN. Well, Grafe was an officer in the—I don't know what his capacity—in the Callahan Construction Company; and Connolly was an officer in the Rohl-Connolly Company and also in another company, which is the T. W. Connolly Company. The T.—that's a

large construction company too, just finished some very large work, and which Mr. Connolly is interested in. It is a separate company from [3541] the Rohl-Connolly outfit.

Now, whether he was going to be interested in this job representing Rohl-Connolly or representing his own company, T. Connolly Company, was unknown to me until the time it was suggested that this work be undertaken by the Caddoa Builders, and the Caddoa Builders consisted at that time of the W. E. Callahan Construction Company, Gunther-Shirley, Rohl-Connolly Company, or Construction Company, whatever it is.

450. Major CLAUSEN. Where did you meet Mr. Connolly going east?

Colonel WYMAN. I met him at—he got on the same plane that I did. I got off a plane, and I think I went into the station to get some sandwiches or something for breakfast, and as I came out, why, Connolly came walking across, and I told him to get on this same plane, and the plane went from Chicago to Cleveland. We got off the plane there and got on another plane and went to Washington.

451. Major CLAUSEN. You met Mr. Connolly and stopped off in Chicago?

Colonel WYMAN. He didn't stop off at Chicago. I went right through, but he got on at——

452. Major CLAUSEN. Where did you meet Mr. Grafe?

Colonel WYMAN. He got on, Grafe—Grafe came into the Carlton Hotel after we had been there, and I met him there.

453. Major CLAUSEN. Now, isn't it correct that Grafe was the man who had sent the engineers to the Islands here?

Colonel WYMAN. Yes, that's right. That is the Callahan Construction Company.

[3542] 454. Major CLAUSEN. And you suggested to them back there that this same group take ahold of this contract?

Colonel WYMAN. Oh, I thought that Grafe would take that contract all by himself, the Callahan Construction Company. This wasn't too big a contract.

455. Major CLAUSEN. When was it that you met Mr. Martin?

Colonel WYMAN. Martin came into the hotel, I don't know whether it was the first day or the second day we were there, in the afternoon, late in the afternoon, and sat there and talked to people in Grafe's room. There were a roomful of people: that is, Grafe, and I was there, and Connolly was there, and John Martin was there. It seems to me that some other person was there, too, that I remember.

456. Major CLAUSEN. And you talked about this job out here?

Colonel WYMAN. No, we didn't—no, I didn't talk to Martin about this job. He was talking about the—claimed that he represented the contractor who was engaged in the contracts of the Pennsylvania turnpike across the State of Pennsylvania, and it was about the engineers issuing change orders, and without entering—having a meeting of minds with the contractors as to whether or not it would affect the price.

457. Major CLAUSEN. Did you ever see Rohl drunk in your life?

Colonel WYMAN. I never saw Rohl drunk in my life; no, sir.

458. Major CLAUSEN. Do you define drunkenness the same as Mr. Rohl does?

Colonel WYMAN. I don't know how he defines it.

459. Major CLAUSEN. Well, he says a person is drunk only if he falls down.

[3543] Colonel WYMAN. No, I wouldn't define it—drunkenness is a state of intoxication where a man has lost the use of his mental and physical faculties.

460. Major CLAUSEN. You were very intimate, weren't you, with Mr. Dillingham?

Colonel WYMAN. No. Not very intimate, no. Just see him occasionally. He usually came to my office. I don't think I ever went to his.

461. Major CLAUSEN. Do you recall having testified before Colonel Hunt?

Colonel WYMAN. I have never read that testimony before Colonel Hunt. I don't know what—anything that's in it.

462. Major CLAUSEN. I say, do you recall having testified before him?

Colonel WYMAN. Oh, I testified, yes. I was on a job, a flood job on the White River in the State of Arkansas.

463. Major CLAUSEN. Did you give this testimony on page 66:

The Hawaiian Contracting Company showed no interest that I recollect, and I was very intimate with Mr. Walter Dillingham, one of the principal persons in business in Honolulu and a part owner of that company?

Colonel WYMAN. Well, what time are you talking? When? What time does this refer to?

464. Major CLAUSEN. Well, that is the testimony that you are supposed to have given, sir.

Colonel WYMAN. Well, I know, but is that 1940 or 1941?

465. Major CLAUSEN. Well, I don't know. What did you mean when you said that?

[3544] Colonel WYMAN. I have not read it. I don't know.

466. Major CLAUSEN. Well, now, did you give that testimony to Colonel Hunt?

Colonel WYMAN. I don't—if it is in his record, why, I probably did, but I don't recollect it, of course.

467. Major CLAUSEN. By the way, you had certain contracts—rather, you had something to do with certain contracts in which the Hawaiian Contracting Company was involved prior to the basic contract and afterwards; isn't that correct?

Colonel WYMAN. Oh, we had—I had some contracts with the Hawaiian Contracting Company for paving over at Hickam Field, as I recollect, and I think there were some other jobs, small; small, not too big, at that time. They were also working for the Construction Quartermaster and the Navy.

468. Major CLAUSEN. Did you ever get any equipment from Mr. Dillingham that was used in connection with the Hawaiian Constructors?

Colonel WYMAN. I never got a thing from Mr. Dillingham. I got it from Hawaiian Contracting Company. That is, I didn't, but the Hawaiian Constructors did.

469. Major CLAUSEN. Did you have anything to do with the Hawaiian Constructors' getting any equipment from the Hawaiian Contracting Company?

Colonel WYMAN. Well, I authorized it, yes, sir. We got equipment from everybody on these Islands after the attack on Pearl Harbor, and

the plantations and everybody else, and put it to work on the construction of airfields and other work in these Islands.

[3545] 470. Major CLAUSEN. Was Mr. Dillingham interested in the Hawaiian Constructors, to your knowledge?

Colonel WYMAN. Why, I think to this degree: that it—I think he is an officer in their company. He was not the president.

471. Major CLAUSEN. Did you receive any instructions from him, advice?

Colonel WYMAN. I'll tell you if you give me a chance. You see, the Hawaiian Contracting Company bought some of the interest in the Hawaiian Constructors held by the Callahan Company, the Gunther-Shirley Company, and the Rohl-Connolly Company; and in order to consummate that it was necessary to have the approval of the District Engineer, and that was written up in a supplemental agreement whereby the Hawaiian Contracting Company became part of the Hawaiian Constructors.

472. Major CLAUSEN. Did you ever—it wasn't quite clear from what you testified to General Frank—did you ever, during the course of the construction of these airfields to the south, personally visit those fields?

Colonel WYMAN. No, I didn't. Which ones do you mean? Do you mean at Canton and Christmas?

473. Major CLAUSEN. Christmas, yes.

Colonel WYMAN. No, I never got there, because General Tinker and Colonel Mollison, his Chief of Staff, and I were going to make a trip all the way through to Australia and visit all the fields, and his plan was upset, as far as I am concerned, by the fact that I left the Hawaiian Department. However, General Tinker and Mollison did make the trip.

474. Major CLAUSEN. Did you have a Captain W. E. Wilhelm [3546] working down there for you, W-i-l-h-e-l-m?

Colonel WYMAN. We had a man in the District office by the name of Wilhelm that I recollect. I remember him.

475. Major CLAUSEN. You remember him?

Colonel WYMAN. Yes.

476. Major CLAUSEN. One of the men that worked for you?

Colonel WYMAN. Well, I don't remember what duty he performed, except he did make a reconnaissance, a map reconnaissance, and he has charts and other information. He made a reconnaissance of possible routes, alternate routes to Australia east of the route—the first built. He did that.

477. Major CLAUSEN. Would you call him a good man or a bad man?

Colonel WYMAN. Wilhelm?

478. Major CLAUSEN. Yes, sir.

Colonel WYMAN. Oh, I don't remember him very well. I couldn't pass judgment.

479. Major CLAUSEN. You mentioned several times to General Frank, "General Sverdrup."

Colonel WYMAN. Yes.

480. Major CLAUSEN. But the time to which General Frank was directing your attention was with regard to the VEGA and its acquisition by the Engineers out here. At that time it was Mr. Sverdrup; isn't that correct?

Colonel WYMAN. Why, he was a—yes, he was an engineer of the firm of Sverdrup and Parcel, one of the high ranking bridge engineer outfits of the United States.

481. Major CLAUSEN. Later on commissioned, after these jobs were finished?

Colonel WYMAN. No. Right during while the jobs were [3547] going on he was commissioned a Colonel of Engineers, and I understand that—now a General; I understand that now he is the Engineer in charge of all the work in the South Pacific. He has been awarded the D. S. M., the Silver Star, for heroic action, and he has done a lot of other things to his credit, and therefore I feel that my faith in Mr. Sverdrup in the job that was assigned to the south was well placed.

482. Major CLAUSEN. Do you know anything about this statement on page 48 that Rohl was about to be made a General too?

Colonel WYMAN. Rohl was?

483. Major CLAUSEN. Yes, sir.

Colonel WYMAN. No, I haven't the least idea.

484. Major CLAUSEN. You don't have any knowledge as to that?

Colonel WYMAN. No.

485. Major CLAUSEN. By the way, concerning the VEGA, the value of that boat was established by you, was it, at a hundred thousand dollars?

Colonel WYMAN. No; I think that was established by the Division Engineer's office.

486. Major CLAUSEN. Now, it is correct, isn't it, that before the VEGA ever got to the Hawaiian Islands you had already agreed and had arranged to purchase the SOUTHERN SEAS to do the survey work that was contemplated for the VEGA?

Colonel WYMAN. No. The SOUTHERN SEAS was purchased because we had to take it over. I went through all that. I'll go through it again gladly.

487. Major CLAUSEN. Don't go through anything that you have been through, again. If you are all through, have gone through, you tell me. I will take your word.

[3548] Colonel WYMAN. I have gone through it. The SOUTHERN SEAS had belonged to Pan-American. I was ordered to take over all Pan-American property on all these islands because they abandoned it and requested our people to take it over. In that property was the yacht SOUTHERN SEAS, which is the yacht, as I understand it now, that cost over a million dollars to build, and they used it as a hotel in the harbor of Noumea, for their passengers when the clipper landed at Noumea. They were taken off the clipper and put on this boat for overnight accommodations. And we took it over. Well, the boat was a seaworthy—

488. General FRANK. Because there were not good hotel accommodations at Noumea.

Colonel WYMAN. The boat was in good seaworthy condition, so Sverdrup recommended that the boat be acquired and operated.

489. Major CLAUSEN. As a matter of fact, you recommended it be purchased for \$600,000?

Colonel WYMAN. No, I did not.

490. Major CLAUSEN. Didn't you?

Colonel WYMAN. No, I did not. I just gave you all the testimony, that I recommended to General Hannum that they pay \$300,000 and that an appraiser and surveyor be put on the job to determine its value, and, after its value was determined, to pay the difference between the price, whatever it was, and the \$300,000. As a matter of fact, I did not have authority to authorize anybody to pay \$600,000 for a boat. I had to seek the authority from the—the authority would have to come from the Chief of Engineers, and the entire arrangement for the SOUTHERN SEAS was made by the Division Engineer and the Chief of Engineers, and not by me.

[3549] 491. Major CLAUSEN. Getting back to when Rohl's forces came over here right after the contract, some of these men were to work on the Hawaiian job?

Colonel WYMAN. Rohl's forces didn't come over. I told you several times that the men who came over came from the Callahan organization and not from the Rohl organization.

492. Major CLAUSEN. Do I understand, then, that no men from the Rohl organization came over here at all to Hawaii?

Colonel WYMAN. Not of the superintendents, no, sir. Mr. McCullough was a Callahan man and so was Mr. Ashlock.

493. Major CLAUSEN. Then the only part that the Rohl-Connolly Company played over here was to furnish equipment?

Colonel WYMAN. Played?

494. Major CLAUSEN. You say there came no men from the Rohl organization over here.

Colonel WYMAN. No. You say when they first came over. This job was Paul Grafe's and the superintendent from the Callahan Company. Later on I dare say they brought many people from the Rohl-Connolly outfit or from Caddoa Dam. You see, they were all together at the Caddoa Dam as co-adventurers. They had a big organization.

495. Major CLAUSEN. You told us that. Now, just take this period of time from the date of the basic contract, December, 1940, down to the time that Mr. Rohl himself came here, in September, 1941. Did any personnel of the Rohl-Connolly Company come over and work on this job in Hawaii?

Colonel WYMAN. I would not know that. You would get that information by consulting the records of the Hawaiian Constructors. [3550]

496. Major CLAUSEN. You do not know, then?

Colonel WYMAN. I do not, no.

497. Major CLAUSEN. With regard to the job orders, was it your statement in some testimony you gave General Frank that after the approvals, whatever approvals are required, are granted to you, the job order is issued?

Colonel WYMAN. Yes.

498. Major CLAUSEN. Is that correct?

Colonel WYMAN. After the approval of the site—what particular sort of a job would you like? Take an airfield, for instance, like the building of a runway. General Frank knows about that. They have a Board that goes about.

499. Major CLAUSEN. My question, Colonel, so we can save time,—there isn't very much to this.

Colonel WYMAN. It takes the approval of all the interests, everybody that is interested in the project, before you can commence any work or make any plans, and after the plans are made and specifications written, they are approved by the Chief of Engineers and the Division Engineer, and after that a job order is issued, and if that job order is in excess of \$10,000—it was in those days—it had to be approved by the Division Engineer before one cent could be spent on the job.

Now, that was peace-time procedure as outlined in orders and regulations which anybody can read, and it is very silly now, I will admit, but that was in effect in 1940 and 1941, up to the 7th day of December, or the day that war was declared I think was the 8th day of December, 1941.

500. Major CLAUSEN. So when you finally put your signature on a [3551] job order you had already received those approvals?

Colonel WYMAN. No, no.

501. Major CLAUSEN. What would you do? Give an order?

Colonel WYMAN. No, listen: I issued job orders in order to save the money. I was directed to obligate the money for the reserve gasoline storage by the Chief of Engineers prior to the 31st day of June 1941, in order to save that money and to keep it from going back into the Treasury of the United States, and we would be completely out of funds. I issued many job orders in June of 1941 for the sole purpose of reserving our money, so it was not going back in the Treasury by law, obligated funds.

502. Major CLAUSEN. With regard to your statement concerning Rohl's application for naturalization and this letter of General Kingman—you have read that, as set forth on page 5 of this committee report?

Colonel WYMAN. I don't believe I did. I just glanced at it, I believe. I don't know that I read it.

503. Major CLAUSEN. Do you know the source of the information that is set forth in that letter by General Kingman to Mr. Schofield?

Colonel WYMAN. I do not know because I did not know—I don't think I knew when he applied for citizenship, January 15, 1941. I don't know that. I don't know where it came from.

504. Major CLAUSEN. Did you write any letters, other than the one you said you wrote to the Chief of Engineers?

Colonel WYMAN. No. I only wrote a letter to the Chief of Engineers announcing that Rohl was an alien, was so notified by Grafe; also the fact that Rohl had applied for citizenship. [3552] Whether I made any recommendation as to what action they take I do not recollect. I probably made a recommendation. I don't know what it is, though, because I haven't seen the letter.

505. Major CLAUSEN. Have you ever had, in addition to having written that letter, any talks with anybody connected with the Bureau of Immigration and Naturalization?

Colonel WYMAN. Nobody at all.

506. Major CLAUSEN. Concerning Rohl's naturalization?

Colonel WYMAN. No, nobody at all. No conversation at all.

507. Major CLAUSEN. Did you have any correspondence with anybody—

Colonel WYMAN. Nobody at all.

508. Major CLAUSEN. —in the Bureau of Immigration and Naturalization on that subject?

Colonel WYMAN. Nothing that I can recollect.

509. Major CLAUSEN. You say, nothing you recollect. Is there a possibility that you may have had some such communication?

Colonel WYMAN. Well, I don't know. There is nothing that I recollect. I think that I did not write anybody any letter about anything. However, sometimes, as I remember, you get applications from Bureaus as to whether or not somebody who worked with you or for you was an honest, reliable person and what their experience is and so on. I know I get many letters from the American Society of Civil Engineers on that, where people offer your name as a sponsor, but I have no recollection of any letters in this case.

510. Major CLAUSEN. That is all I have.

511. General RUSSELL. Just a couple of questions.

Colonel, this contract was finally approved about January 3rd, 1941, under which all the work was done that we have been [3553] discussing here?

Colonel WYMAN. Yes, approved by the Assistant Secretary of War.

512. General GRUNERT. Assistant Secretary of War?

Colonel WYMAN. The Under Secretary of War, Mr. Patterson.

513. General RUSSELL. Now, about when did the Connolly Company or the Constructors begin to move their personnel and equipment out to Hawaii?

Colonel WYMAN. It is my recollection that the first act they made was the Division Engineer to grant them authority to buy around \$275,000 worth of plant on January 6th and ship it over here to start this work. It is also my recollection that Mr. Grafe and Mr. McCullough and quite a large number of people arrived here, both by clipper and boat, in the first week or so of January, 1941, and they opened up an office, I think, in the Young Hotel Building very soon after their arrival here.

514. General RUSSELL. Actually when did they begin work on some job out here?

Colonel WYMAN. They got going—the first job of any importance that I recollect they started was the road job leading up to Mount Kaala AWS station. They also broke into the ammunition storage at Wheeler, the field for Schofield Barracks ammunition, very promptly. They moved materials on that job very promptly. They also built a camp in the woods along the main highway without any delay at all, except they had considerable trouble getting water from the well opposite Wheeler Field, due to some controversy with the Water Department of the County.

515. General RUSSELL. Do you have records before you this [3554] morning from which you could determine the date of the initial work on this road, which you say is the first major project that they worked on?

Colonel WYMAN. Yes, sir. The records should show that. No work could be done until a job order was issued, except such work like setting up an office.

516. General RUSSELL. Preliminary work?

Colonel WYMAN. Preliminary work. The job order had to be approved by the Division Engineer at San Francisco, before, at least theoretically, any work could be done. However, assuming that the job order would be approved, the contractor could move plant onto the job, but he could not start the work until the job order and plans had been approved by the Division Engineer at San Francisco.

517. General RUSSELL. From the data now before you can you tell me when these people started their first work?

Colonel WYMAN. Here it is, here. On the Kaala job the layout plan was approved by the Commanding General on the 6th day of March, 1941; construction started on the access road on the 11th of March, 1941, or five days after the approval.

518. General RUSSELL. Now, would you say that was the first work of any importance done over here by the Hawaiian Constructors, and it began on the 11th day of March, 1941?

Colonel WYMAN. No, sir. There were other jobs—I don't have the date here, but I could dig it up. But take the big job, the one that cost a lot of money, was the ammunition storage job at Wheeler Field, and that is the one that theoretically could take the longest time.

519. General RUSSELL. Have you any data there from which you [3555] can tell me when the first work was done by those people out here, even on a little job?

Colonel WYMAN. Oh, I think they put up warehouses and camps and that sort of thing immediately.

520. General RUSSELL. You were not concerned with that, Colonel. I am talking about the work that they were doing that you were concerned with as a representative of the United States Government.

Colonel WYMAN. I was concerned with the camp, because that was a reimbursable item. The government had to pay the cost of it.

521. General RUSSELL. Do you want to tell me that you just don't know?

Colonel WYMAN. General, I think I should look up the records, and I can answer that question.

522. General RUSSELL. Would you say it was before the first day of February, 1941?

Colonel WYMAN. I do not know that.

523. General RUSSELL. You have no idea about it?

Colonel WYMAN. Well, it was very early, but the only way I could do it, between the time that elapsed and the things that occurred, is to look at the records and find out the day it started.

524. General RUSSELL. They had a man named McCullough out here?

Colonel WYMAN. That is right.

525. General RUSSELL. You objected to McCullough?

Colonel WYMAN. That is right.

526. General RUSSELL. When was he replaced by a man named Ashlock?

[3556] Colonel WYMAN. Ashlock, I think, came here in April or May. Mr. McCullough became ill and went home.

527. General RUSSELL. How long was it after you made your complaint to Paul Grafe before McCullough went home?

Colonel WYMAN. Not very long. Just a short time.

528. General RUSSELL. Would you say you made your complaint to Paul Grafe some time in March?

Colonel WYMAN. No, I complained way back in February, the way things were getting off to a slow start, and I kept complaining.

529. General RUSSELL. What time in February?

Colonel WYMAN. I think right in the beginning, the middle of February or early in February.

530. General RUSSELL. Was it in January?

Colonel WYMAN. No, I think the first was in February that I began to complain. I always give the man a fair chance to get a start.

531. General RUSSELL. Then if he did not get his contract approved by Washington until January 3rd, and they were moving in here in the month of January, there would have been no occasion for you to complain about McCullough in January?

Colonel WYMAN. No. I don't think they got any plant over here, sir, until February. The plant had to be shipped from the United States.

532. General RUSSELL. You wrote Rohl, though, on the 22nd of January and told him you wanted him to come over here, didn't you?

Colonel WYMAN. Yes, I believe I did.

533. General RUSSELL. Didn't you tell General Frank this morning that the reason you wrote him to come over here is because you had a fuss with Grafe about this man McCullough?

Colonel WYMAN. I did have a fuss with Grafe.

[3557] 534. General RUSSELL. Now you say you did not have that fuss on the 22nd of January, when you wrote Rohl.

Colonel WYMAN. I think I had.

535. General RUSSELL. A moment ago didn't you tell me you were certain it was in February; it could not have been in January?

Colonel WYMAN. I am certain it was in February.

536. General RUSSELL. Therefore you did not write this letter to Rohl in January to come over here because of this row with McCullough?

Colonel WYMAN. I think I did. I did write it for that reason.

537. General RUSSELL. Therefore, you had a fuss with Grafe about McCullough before, in January?

Colonel WYMAN. It was not necessarily about McCullough. It was about other things, too.

538. General RUSSELL. Didn't you say very definitely this morning the reason you wanted Rohl over here was because you wanted McCullough replaced?

Colonel WYMAN. That was one of the reasons, yes, sir.

539. General RUSSELL. What were the others?

Colonel WYMAN. The other was hustling a plant over from the United States, which was not going along to my satisfaction; also the procurement of material and the procurement of men. The job got off to a very poor start.

540. General RUSSELL. You want this Board to believe now, do you, Colonel, that as early as January 22nd, 19 days after the Under Secretary of War had approved this contract, and only a few days after all of this stuff had been purchased, that you saw that Paul Grafe and the crowd he had here, before they even started to work, could not run this job, and you needed Rohl? Is that what you want us to believe?

Colonel WYMAN. All I am doing is to give you the facts [3558] as I recollect them.

541. General RUSSELL. Well, give me the facts on that.

Colonel WYMAN. I have told you all I know.

542. General RUSSELL. It is not a very satisfactory answer from my standpoint. It leaves me very much confused about that issue.

Colonel WYMAN. I can state, which is to the best of my recollection, that I had difficulty with Grafe. Grafe was spending more time trying to find out what his rights were under this contract than he was in getting work done, getting the equipment over, getting the materials, getting men and starting the job. You will find lots of correspondence in the files requesting interpretation of this and interpretation of that, and I remember that I wrote this letter to Rohl asking him to come over here, and in good faith, for the purpose of assisting in building up an organization for the Hawaiian Constructors to do this job, and one of the points that was in controversy was the feeble effort being made by Mr. McCullough as the superintendent of the work. That was one of the points.

543. General RUSSELL. And you had come to all of those conclusions before the 22nd day of January, 1941?

Colonel WYMAN. About that time, apparently, sir; yes, sir.

544. General RUSSELL. Now, soon thereafter you and this man Rohl began to have telephone conversations back and forth.

Colonel WYMAN. According to this record, we did.

545. General RUSSELL. And you have no recollection of that at all?

Colonel WYMAN. I cannot recall what they were about, only these that I mentioned, the one at Schofield and those when he [3559] was back—

546. General RUSSELL. In the fall?

Colonel WYMAN. In the fall, about the shipment of the equipment and the men on the LUDINGTON to Canton and Christmas, and those in this other period I do not recollect what they were about.

547. General RUSSELL. Notwithstanding the fact that you testified that in response to your letter to Rohl to come over here, he did not reply—

Colonel WYMAN. I would—

548. General RUSSELL. Wait a minute. You now testify that in some of those telephone calls which you had with him in the spring nothing about what was going on out here was discussed?

Colonel WYMAN. I would not say that, no, sir.

549. General RUSSELL. Wouldn't it have been a natural, normal assumption to think that if you had written him to come out here and you talked to him on the telephone five or six times in the next three or four months you would ask him "Why in the hell don't you reply to my letter or come out here?"

Colonel WYMAN. I may have done so. I don't know. I don't recollect it, sir. I may have done it. I don't know.

550. General RUSSELL. You were continuing to need Rohl out here during that period, however?

Colonel ROHL. When Grafe agreed that he would furnish Mr. Ashlock from the Prado Dam, who was the superintendent on the Prado Dam, as soon as he could be released, then I had no further objection or no difficulty with Grafe over the superintendent, because Ashlock, he was the superintendent at Prado under my charge, and he

did a good job, and I felt he would be [3560] satisfactory for this job, and he was satisfactory.

551. General RUSSELL. Now, Colonel, when it came to your attention in June that this man Rohl was a German alien, your testimony was to the effect that you called that to the attention of the Chief Engineer and forgot it?

Colonel WYMAN. No. In a letter.

552. General RUSSELL. In a letter?

Colonel WYMAN. Yes.

553. General RUSSELL. That they could do what they pleased about it, that you had discharged your duty when you told the Chief of Engineers that Rohl was an alien?

Colonel WYMAN. No, that was not all there was too it. I remember discussing the matter with General Hannum as to what action should be taken; either the Hawaiian Constructors should be notified that an alien would not be permitted to come on the job, would not be permitted to see any plans and specifications, or what action should be taken. In view of the fact that in accordance with the law, as I understood it, only the Secretary of War can handle those things, the thing had to go to him.

554. General RUSSELL. But now it made no difference with you whether Rohl came out here and operated, or not, did it?

Colonel WYMAN. Yes, sir. In June we were pretty well set up here and going, and Rohl's services were not needed at that time, as far as I was concerned, but they were needed in the fall, and very badly, when we were organizing the island work, because we got the use of his plant and his organization.

555. General RUSSELL. Did you think it was all right for Rohl, the German, to come out here and participate in this?

[3561] Colonel WYMAN. Oh, no, not after the Act of Congress prohibited an alien to be on a job, no, sir, except that the interpretation out here, about aliens, there were no aliens to be used on any of the fortification work.

556. General RUSSELL. That was the only objection you had to Rohl, the legal difficulties of his getting out here?

Colonel WYMAN. Oh, so far as the person was concerned, as far as I know, Rohl was loyal to the United States. I never knew him to commit any act that he should not.

General RUSSELL. One more line of questions. I want this to get very definitely in the record, on an issue, the issue of your entertainment by Rohl. Is it your testimony that never at any time have you ever been in a hotel room which was rented by this man Rohl and had liquor served to you in that hotel room?

Colonel WYMAN. No, I think that would not be right. I have been in a hotel room with Rohl, with others. Whether it was he that paid for the room or someone else, I would not know. I have been there. That was when he was here at Honolulu and also on the mainland.

557. General RUSSELL. How frequently were you in hotel rooms with Rohl and had drinks with him?

Colonel WYMAN. Oh, I would say maybe—I can remember on one occasion here in the Royal Hawaiian. I don't know whether it was his room or Grafe's or somebody else's room. I can remember in Los Angeles in a room with Connolly and Rohl and Sverdrup and others

in it. But they were just visits. I visited with other officers who were present with me. There was no dinner parties or grand parties or anything to it.

[3562] 558. General RUSSELL. How would you happen to get into these rooms? Did you just get in without invitation; you did not know whose room or whose liquor it was?

Colonel WYMAN. No. I recall on one occasion where an officer came down from San Francisco and we were going to an engineers' meeting at the University Club, and this officer said to me, "Mr. Tom Conolly is in the Biltmore Hotel and I have promised to go over and pay my respects. Won't you go along and then we will go to the University Club?" I remember that, which we did. We did go to the room of Tom Connolly and it was filled with people, many, many people, and they were serving drinks. Whether or not we got a drink, I do not recollect.

559. General RUSSELL. So those were the only two occasions which you recall?

Colonel WYMAN. Oh, no. I was there for four years. There could have been other occasions. I do not recall them in any detail.

560. General RUSSELL. You only remember twice that you ever had drinks in a room with Rohl?

Colonel WYMAN. Well, I did here in the Hawaiian Hotel one night.

561. General RUSSELL. Once here and once in Los Angeles?

Colonel WYMAN. Well, I would say twice I mentioned in Los Angeles.

562. General RUSSELL. All right. Now, in your written statement you say "Mr. Rohl was my guest at my club on several occasions, together with other Army officers."

Colonel WYMAN. Yes.

[3563] 563. General RUSSELL. "The hospitality and courtesies that I extended Mr. Rohl through these invitations was in reciprocation of similar courtesies extended to me by him."

Colonel WYMAN. That is right.

564. General RUSSELL. Do you mean you had gone to the club with him and had been entertained at his club?

Colonel WYMAN. Oh, no. I had lunch with him and I remember a little restaurant we used to eat at near my office, and he had lunch with me and my officers in the California Club, where we had a table of our own and ate there from time to time, and we had guests.

565. General RUSSELL. Your testimony is that you took him to your club on several occasions to pay him back for these times—

Colonel WYMAN. That is right.

566. General RUSSELL. Wait a minute. —when you and he ate luncheon together in a little restaurant; is that your testimony?

Colonel WYMAN. No. My testimony is he ate at my club at lunches in return for obligations that I was under to him.

567. General RUSSELL. How did you get under obligation to him?

Colonel WYMAN. Because I had accepted his hospitality some place at lunch or dinner, I don't know.

568. General RUSSELL. You don't remember where?

Colonel WYMAN. Well, I remember at his house on at least one occasion. I was on his yacht. I ate on his yacht. I also ate at a small

restaurant near my office. Then I would not be surprised that I ate in the grill room of the Biltmore Hotel with him at lunch.

[3564] 569. General RUSSELL. Now, you say that the social contacts you had with Rohl were just the same as the social contacts that you had with numerous other contractors?

Colonel WYMAN. That is correct.

570. General RUSSELL. Dictate into the record the names and addresses of these other contractors with whom you maintained the same social contacts that you did with Rohl and whom you had to eat with you at your club and whose homes you visited, as you did with Rohl?

Colonel WYMAN. Well, I was at Grafe's home, and also had dinner with him and lunch with him elsewhere.

571. General RUSSELL. That is Paul Grafe.

Colonel WYMAN. Paul Grafe.

572. General RUSSELL. Name another.

Colonel WYMAN. Another is Guy Atkinson.

573. General RUSSELL. That is another.

Colonel WYMAN. And George Atkinson, his son. I can't remember his name, but I had lunch with the president or at least the principal person in charge of the Standard Dredging Company in Los Angeles.

574. General RUSSELL. I am asking you about other contractors with whom you maintained the same social intercourse that you did with Rohl, not a man that you had lunch with once in a while.

Colonel WYMAN. The other contractors did not have any yacht. I could not go yachting with them because they did not have any.

575. General RUSSELL. Did you ever go to any night clubs with Mr. Rohl?

[3565] Colonel WYMAN. It is my recollection that Mr. Rohl was in a night-club party made up of officers of the Army and their families on January 1, 1936.

576. General RUSSELL. Is that the only time?

Colonel WYMAN. That's one time I can think of.

577. General RUSSELL. Do you remember you and Rohl ever going to night clubs in your automobile, driven by a man named Zucca, and Rohl's automobile coming along behind, driven by a man named Brown, on several occasions? Did that happen?

Colonel WYMAN. I can remember of one occasion where I went to a dinner of contractors, in—I thought it was the other way around, I don't know—in my car, with Mr. Rohl, at a dinner of contractors and some congressmen, in a restaurant, French restaurant in Beverly Hills. I don't remember the name of it. It is a night club.

578. General RUSSELL. And those are the only two times that you can remember that you ever went to night clubs with Rohl?

Colonel WYMAN. That's all I remember. I never went to night clubs with him, in any great number of times.

579. General RUSSELL. That is all.

580. Colonel TOULMIN. I would like to ask a couple of questions, General, if I may.

581. General GRUNERT. Go ahead.

582. Colonel TOULMIN. Colonel, I would like to get your assistance in clearing up some of the factual conditions that surrounded the execution of these contracts during 1941. Now, first, is the question of

priorities, which I understood was quite troublesome at that time; am I correct in that understanding?

[3566] Colonel WYMAN. Yes, sir; very troublesome.

583. Colonel TOULMIN. And, of course, you had no authority here to issue priorities, or to change them; that is correct?

Colonel WYMAN. Oh, no; we had to make recommendations to higher authority.

584. Colonel TOULMIN. And it went to the Corps of Engineers then, is that right?

Colonel WYMAN. Eventually, it went to the Chief of Engineers.

585. Colonel TOULMIN. And the Chief of Engineers passed it on, to anyone beyond him, or did he assume final responsibility?

Colonel WYMAN. No, he had to pass it to the Army-Navy Munitions Board.

586. Colonel TOULMIN. And the representative of the Army-Navy Munitions Board was General Lucius Clay, is that correct?

Colonel WYMAN. I don't know.

587. Colonel TOULMIN. You do not know? Well, who was the representative of the Army on that board, who took care of these priorities?

Colonel WYMAN. I don't know.

588. Colonel TOULMIN. You don't know? So, whoever that person was, he was the man who had the responsibility for getting the appropriate priorities, is that right?

Colonel WYMAN. Why, I don't know that. I wasn't in on that phase of it, at all. All we could do, here, was urge to get a priority which we thought would get work done on time.

589. Colonel TOULMIN. All right, let us approach it from another view. Did you get priorities that were satisfactory?

Colonel WYMAN. No.

[3567] 590. Colonel TOULMIN. All right. Then that can be settled, that you had unsatisfactory priorities, and that you passed that responsibility to the Chief of Engineers; is that right?

Colonel WYMAN. No; the Commanding General of the Hawaiian Department, also, through the Adjutant General, also made recommendations to increase the priorities for the Hawaiian work.

591. Colonel TOULMIN. So you and the Department Commander were in agreement you needed higher priorities to get the job done, is that right?

Colonel WYMAN. That is right, higher priorities to get materials in the United States, and to get materials manufactured.

592. Colonel TOULMIN. But there was no divergence of opinion between you and the Department Commander on the subject of priorities, was there?

Colonel WYMAN. No, except we needed higher priorities to get the work done. We wanted to be rated as high as Panama.

593. Colonel TOULMIN. So both you and the Department Commander were in agreement that you needed higher priorities, to get this job done, is that right?

Colonel WYMAN. Yes; I agree to that.

594. Colonel TOULMIN. All right; and did you pass that responsibility on to the Chief of Engineers? Is that right?

Colonel WYMAN. That is the only thing we can do, that I can do, is to make a request to the Chief of Engineers.

595. Colonel TOULMIN. All right. Very well. Now, that settles priorities. Now, on the subject of the approval of drawings, did you have the final authority here to approve the [3568] construction drawings and tell the contractor to go to work, or did you have to send those drawings that you proposed to use to higher authority for approval?

Colonel WYMAN. I had to send to both the Commanding General of the Hawaiian Department and to the division engineer at San Francisco all drawings for approval. That is, for our part of the work, of course.

596. Colonel TOULMIN. Did the division engineer have final authority in passing upon those drawings, or did he in turn have to pass those drawings to the Office of the Chief of Engineers for final initialing and approval?

Colonel WYMAN. I don't know that. I would have to look it up.

597. Colonel TOULMIN. Will you look it up?

Colonel WYMAN. Yes, sir; I will.

598. Colonel TOULMIN. And will you advise this Board of that fact?

Colonel WYMAN. Yes, sir.

599. Colonel TOULMIN. So that you were not able here within the islands to finally pass upon the drawings; that is the sum and substance of it?

Colonel WYMAN. Not prior to this. That's prior to the 7th of December.

600. Colonel TOULMIN. I am talking now, prior to December 7, because that is the inquiry we are directing ourselves to.

Colonel WYMAN. Yes, the drawings at that time had to go to the Commanding General for approval, and also to the division engineer at San Francisco.

601. Colonel TOULMIN. All right. Now, so we may have one clear [3569] question and one clear answer, during the year 1941, up to December 7, the authority and responsibility for approving drawings finally did not rest in you but rested in the division engineer, or someone higher than the division engineer, is that correct?

Colonel WYMAN. That's right.

602. Colonel TOULMIN. Is that correct?

Colonel WYMAN. Yes, sir.

603. Colonel TOULMIN. All right.

Colonel WYMAN. Also, the Hawaiian Department.

604. Colonel TOULMIN. Now, who was responsible for what you said, the "tedious process" in connection with the 148 projects, in order to get them approved, coordinated, and put under way? Who were the people responsible for the "tedious process"?

Colonel WYMAN. The Orders and Regulations of peacetime is a very slow process. Ordinarily it takes from two to three months to make a contract and to get one going. Ordinarily, plans have got to be approved by higher authority, and no work can be commenced until they are approved. Yes, that is a tedious process. It doesn't make for speed.

605. Colonel TOULMIN. All right; and those rules of the game were rules promulgated by the Chief of Engineers, is that correct?

Colonel WYMAN. Most of them are acts of Congress.

606. Colonel TOULMIN. And also, the Chief of Engineers, in carrying them out?

Colonel WYMAN. Well, the Chief of Engineers writes, I suppose, the Orders and Regulations, but they are interpretations of the law.

[3570] 607. Colonel TOULMIN. All right. So your position is, the responsibility for the "tedious process" was the joint responsibility of Congress and the Corps of Engineers, is that right?

Colonel WYMAN. Oh, I don't mean anything of the kind. It is not for me to tell Congress how to pass legislation or to run the country.

608. Colonel TOULMIN. Well, just answer my question.

Colonel WYMAN. Well, I would say I don't agree with it, at all.

609. General FRANK. You don't agree with what?

Colonel WYMAN. How?

610. General FRANK. What is it you do not agree with?

Colonel WYMAN. Well, I don't agree. He asked me, "You understand as follows." Well, I can't answer his question Yes or No, because I don't agree with it.

611. Colonel TOULMIN. Well, I am content to let the record show the witness's full understanding of my question and his inability to answer.

Colonel WYMAN. If you will reframe the question I will try to answer it. I don't understand it.

612. All right. I want to know—we will start all over again, now—I want to know who was responsible for the "tedious process" in the putting under way of the 148 projects during the year 1941 in this area?

Colonel WYMAN. I would like to look at it. That means we will have to give you all the "buck slips" of the Hawaiian Department, to check that.

613. Colonel TOULMIN. All right. I would like to have you [3571] answer that.

Colonel WYMAN. Well, I say, the answer to that is to produce the exhibits, which will be in the nature of the entire staff of correspondence between the higher—

614. Colonel TOULMIN. I am asking now for those things outside of your control, and therefore, outside of the Hawaiian Department.

Colonel WYMAN. No; this is in the Hawaiian Department.

615. Colonel TOULMIN. I am limiting this, now, to who was responsible for the "tedious process" for the 148 projects in the year 1941 that were to be undertaken in this department, prior to December 7, 1941, as to those people outside of the Hawaiian Islands.

Colonel WYMAN. Well, I am referring chiefly to the "buck slip" process, which is right here in the Hawaiian Islands, and it is in the files.

616. Colonel TOULMIN. All right; will you produce the answer?

Colonel WYMAN. Well, I can produce the "buck slips," but it means to get all the files from the district engineer—and there are plenty of them.

617. Colonel TOULMIN. All right. Now, we want to know who it was that was responsible for what you, as a responsible officer, have testified was a "tedious process,"—

Colonel WYMAN. It is.

618. Colonel TOULMIN. —in getting this job done. That is the issue before this Board, and we would like to know, if you are not

responsible, who was responsible. If you cannot answer it now, we would like to have you give us an answer as soon as you can.

[3572] Colonel WYMAN. Well, I would like to answer it now.

619. Colonel TOULMIN. All right.

Colonel WYMAN. I will read again:

As an example of this time-consuming—

Well, put it this way:

In the Hawaiian Department it was necessary for these interdepartmental approvals, which resulted in a constant interchange of information, especially between the Signal Corps and the Department Engineers, representing G-4, and the District Engineer. The concurrences of the Signal Corps were necessary on every change made, and before any part of the work could be started. The Department Engineer, representing the Commanding General also had to give his approval. I have recently gone through the files and there are literally hundreds of staff memoranda illustrating this point.

As an example of this time-consuming process I introduce in evidence as Exhibit M a memorandum dated 14 February 1941, written by me to the Department Engineer requesting the approval of certain preliminary sketches and plans. As a further exhibit, M-1, I introduce in evidence the first indorsement of the Department Engineer showing a partial approval and partial disapproval, a change in the proposed work, and a direction that one item be delayed until further instructions. I give this merely as one example of hundreds of such instances.

Now, I can read the exhibit.

620. Colonel TOULMIN. Now, let me ask you this question—if you are through with that. Are you through?

[3573] Colonel WYMAN. Well, I was going to read the exhibit.

621. Colonel TOULMIN. Just refer to the exhibit by number, so we won't have to go through the details of that. It is already in evidence.

Colonel WYMAN. I don't know what the number is.

622. Colonel TOULMIN. Just identify it by the title, and we will get at it later.

Colonel WYMAN. I just want to indicate. I just gave this as a sample.

623. Colonel TOULMIN. Well, let me ask you this question, that will clear it up. We are interested of course in your responsibility, and the extent you had power to carry that responsibility. Now, as I understand it, these various "tedious process" steps were steps taken by others than yourself, and upon whom you had to await their action before you could go forward with the project, is that right?

Colonel WYMAN. Yes. Oh, yes; I brought that out in another paper, here, that there are twelve agencies with whom I dealt, and of those 12, I only controlled three.

624. Colonel TOULMIN. All right. Now, that is what I want to bring out, that as to this "tedious process," the major portion, nine out of 12 major steps, were outside of your control and were in higher authority's hands; is that right?

Colonel WYMAN. Other agencies; yes, sir.

625. Colonel TOULMIN. All right.

Did you, at any time, write any letter or send any communication to higher authority asking that these "tedious process" steps be changed and the system be revised so that expeditious work be done, to get this work done for the Government of the United States on time, in order to take care of the defense [3574] of these islands?

Colonel WYMAN. Well, in the case of the Chief of Engineers, it may not be within my prerogative to suggest that Orders and Regulations be changed in any way. That isn't done by district engineers.

626. Colonel TOULMIN. You wouldn't do that, then?

Colonel WYMAN. Oh, no. I would not feel that I had authority to do that.

627. Colonel TOULMIN. All right.

Colonel WYMAN. In the case of the staff procedure of the Hawaiian Department, it would certainly not be in order for me to try to tell the Hawaiian Department how to conduct its business.

628. Colonel TOULMIN. All right. Let me ask you this question, then: To what extent did the Chief of Engineers' Office, or representatives of that office, other than General Hannum, the Division Engineer, come to these islands to see your problems, inspect your operations, and to see what they could do to expedite matters, during the year 1941, prior to December 7, 1941?

Colonel WYMAN. You say, except General Hannum?

629. Colonel TOULMIN. Yes.

Colonel WYMAN. General Hannum was my superior, as division engineer.

630. Colonel TOULMIN. I am excepting him, now. Just answer the question as I have it.

Colonel WYMAN. I have to recollect. I don't know who came. I really don't know.

631. Colonel TOULMIN. You don't remember?

[3575] Colonel WYMAN. No.

632. General FRANK. Did anybody come?

Colonel WYMAN. I couldn't—they certainly, undoubtedly did; but I don't remember.

633. Colonel TOULMIN. All right. Now, let me ask one more question. Have you received any complaint, reprimand, or other adverse comment on your conduct, either from the Commanding General of the Army Service Force, or the Chief of Engineers, as to how you conducted this construction job, during the year 1941, up to December 7, 1941?

Colonel WYMAN. I haven't received any communication.

634. Colonel TOULMIN. That is all I have.

Who was in charge, as Chief of Engineers, during 1941? Who was Chief of Engineers during 1941?

Colonel WYMAN. Well, let's see; 1940 was Julian Schley. He was succeeded by Reybold. I don't know the date—General Reybold.

635. Colonel TOULMIN. Who was the Chief of Engineering Construction? I presume you had that same position that General Bragdon now occupies, in 1941.

Colonel WYMAN. I haven't the least—

636. Colonel TOULMIN. Do you remember that?

Colonel WYMAN. Oh, General Robins; yes; General Robins.

637. Colonel TOULMIN. And who was the Commanding General of the Army Service Force during this period of 1941?

Colonel WYMAN. There wasn't any.

638. Colonel TOULMIN. The Army Service Force did not come into the picture until after 1941?

Colonel WYMAN. No.

639. Colonel TOULMIN. Is that correct?

[3576] Colonel WYMAN. He wasn't in charge.

640. Colonel TOULMIN. All right. Now, one final question. Whose responsibility was it to see that all these various organizations and agencies whose approval would have to be sought and secured should be coordinated and their work expedited and the thing brought to some conclusion, or was the matter allowed to drift without any responsible head?

Colonel WYMAN. Oh, I would say the using service would be the greatest interest to push, would be the "spark plug" to push the work and urge it on. It was for them. Of course, we were merely the constructing agency to build it.

641. Colonel TOULMIN. You mean by that that the Air Corps, for these facilities, would demand expediting of the work?

Colonel WYMAN. The Air Corps certainly presses the engineer service to build their airfields and other things. They are right on their—oh, as far as the Hawaiian staff, why, of course, it was G-4 that was the coordinating agency.

642. Colonel TOULMIN. But, aside from G-4? Now, G-4 is the sole official coordinating agency, except that the using services pressed you for results, is that right?

Colonel WYMAN. Now, you ask me who would—who should. I would say, the using service.

643. Colonel TOULMIN. But I asked you who did, during 1941?

Colonel WYMAN. Oh, the only one that pressed me was the Commanding General of the Hawaiian Department, himself.

644. Colonel TOULMIN. The Army Air Force, here, did not press you?

Colonel WYMAN. Whom do you mean? For what job?

645. Colonel TOULMIN. To get their jobs done—the facilities.

[3577] Colonel WYMAN. Oh, General Martin was—yes, he was calling conferences every day or two.

646. Colonel TOULMIN. He was pressing you hard, wasn't he?

Colonel WYMAN. Well, he didn't have any money; that was the trouble. We planned, and we made our plans and got them all ready, but you see we didn't get any money for airfields in any quantity, until, oh, I guess it was after the "blitz."

647. Colonel TOULMIN. All right. Now, was the Signal Corps pressing you in 1941 to get their establishments built so they could put their equipment in?

Colonel WYMAN. I don't recollect that they put any great pressure on. I can remember that General Short was greatly interested in getting this work done, and spoke to me from time to time.

648. Colonel TOULMIN. Did General Short press you to get this job done?

Colonel WYMAN. Well, he spoke about it, and he made inquiry, the progress we were making, and I know at one time I drafted a telegram for him to send to the United States about getting the cableway shipped over here, which is a matter of record, one of the exhibits here. Oh, yes, we also—some of the correspondence we drafted regarding the acquisition of land from the Department of the Interior, urging the transfer, you know, so we could get up on Haleakala.

649. Colonel TOULMIN. I am aware of that; but confining yourself now to the Army activities—strictly to the Army activities—who else, in 1941, other than the Signal Corps and General Short, were pressing you to get this construction done?

[3578] Colonel WYMAN. You mean, pressing me to get it done?

650. Colonel TOULMIN. Yes.

Colonel WYMAN. Oh, my own engineer department. General Hannum would show the greatest interest in it, and came over here and inspected it that year, in May 1941, and went back and did everything possible to get the materials over here, and plant over here, in order to get things done.

651. Colonel TOULMIN. Now, would it be fair to say, Colonel Wyman, that the situation, due to lack of priorities and lack of getting plans approved, and the other difficulties of the "tedious process," was made, to your mind, in 1941, an unsatisfactory one?

Colonel WYMAN. Oh, very. We had the greatest difficulty of getting electrical goods; hardly procurable at all. For instance, you get a tank in a building, like a big kitchen, the hot water tank, and without a fitting, and try to find some fittings to put on it, and go to extreme measures in order to get things working. That went along in everything, and especially the greatest difficulty of all was getting gas fittings for gas tanks; that is, big gas tanks, which have got to be special, as you know, specially made; and it was very difficult to get them.

And here is a thing of interest. I found out from the district engineer's office, here—I was told by one of the engineers, that valves that we ordered in 1941 for the reserve storage built at Wheeler Field arrived here at Honolulu in 1944, and are now here.

652. Colonel TOULMIN. That is all.

Colonel WYMAN. He also told me that there were a great many orders that were placed by us, that the delivery was [3579] more than a year later.

653. Colonel TOULMIN. That is all. Thank you, sir.

654. Major CLAUSEN. Colonel, what did you do before the basic contract of December 1940 was signed, regarding checking to see the loyalty of the parties who would enter into this contract?

Colonel WYMAN. Why, hey had—what did I do?

655. Major CLAUSEN. Yes, sir.

Colonel WYMAN. I didn't do anything in particular.

656. Major CLAUSEN. Never?

Colonel WYMAN. These people had worked for the United States before. Rohl was a highly respected citizen, as far as I knew, of southern California, very popular with his—

657. Major CLAUSEN. —engineers?

Colonel WYMAN. —other contractors and his associates. Connolly was an officer in the World War. I know that, because I saw a photograph of him. Grafe was a highly respected citizen in the locality where he lived. He was highly thought of by other contractors and associates and engineers.

658. Major CLAUSEN. Colonel, I do not like to interrupt, but the time is running on, and you have answered my question.

Colonel WYMAN. Oh, excuse me.

659. Major CLAUSEN. Now, when you got this information, in June 1941, that Rohl was an alien, a German alien, what was your reaction?

Colonel WYMAN. Oh, I immediately wrote a letter to the Chief of Engineers in Washington.

660. Major CLAUSEN. I say, what was your reaction?

Colonel WYMAN. Well, I just was surprised, that is all.

661. Major CLAUSEN. Just a sort of mild surprise?

[3580] Colonel WYMAN. No, not mild; mild enough to get immediate action and write a letter to the Chief of Engineers, so stating. That was my first reaction.

662. Major CLAUSEN. But you never followed that up?

Colonel WYMAN. Well, I am not certain I did or didn't. I took it up with General Hannum. He probably called me on the telephone about it. I am not certain, but I do remember discussing it with General Hannum that there was action necessary. No, he never was an enemy alien, as far as I understand it.

663. Major CLAUSEN. Now, you concede, Colonel Wyman, concerning these interocean telephone calls that are mentioned on page 34, that you had numerous telephone calls back and forth between yourself and Rohl, or vice versa?

Colonel WYMAN. "Numerous telephone calls!" It records here eight calls over a period of about ten months of time.

664. Major CLAUSEN. Yes. Now you said this morning to General Frank that interocean calls were recorded. Where are the recordings of what you were saying and what Mr. Rohl was saying on those eight calls?

Colonel WYMAN. I don't know. I don't know where they are.

665. Major CLAUSEN. Well, where were they normally kept?

Colonel WYMAN. Well, they would be the same recordings. Some of these are in the night-time.

666. Major CLAUSEN. Some of them are in the night-time?

Colonel WYMAN. I say some are in the night-time.

667. Major CLAUSEN. All right, where are the recordings of them?

Colonel WYMAN. I would say there was no recording made, [3581] at this time, because the office was closed. Well, I have no recordings, I can't find any.

668. Major CLAUSEN. You say you have none, you can't find any?

Colonel WYMAN. No, I can't find any.

669. Major CLAUSEN. Did you look for some?

Colonel WYMAN. Yes, I look all through my files, all the files down in the office, for recordings.

670. Major CLAUSEN. There is a statement here, on page 38, by the War Department—

Colonel WYMAN. You understand we had no recording machines in our office at that time, like they have now.

671. Major CLAUSEN. You had stenographers, didn't you?

Colonel WYMAN. I had, yes, Mr. Epton and Miss Heilman, were my stenographers for a long time.

672. Major CLAUSEN. There is a statement here, on page 38 of the committee report:

There is no record in this office (United States Engineers Office, Honolulu, T. H.,) of any formal complaints registered by the Government concerning delays of the contractor during 1941.

Colonel LYMAN. I read you those, this morning, that I had found. I found three.

673. Major CLAUSEN. Do you say that this statement on page 38, purporting to be a representation by the War Department, is correct or incorrect?

Colonel WYMAN. By the War Department?

674. Major CLAUSEN. Yes, sir.

Colonel WYMAN. Let me read it.

675. Major CLAUSEN. Page 38, representation by the War [3582]
Department to the Committee on Military Affairs, of the House.

Colonel WYMAN. This seems to be signed and notarized December 18, 1943. That is an affidavit made by Rea B. Wickiser.

676. Major CLAUSEN. Do you see page 38, Colonel Wyman?

Colonel WYMAN. Well, I am reading right at the top, here.

677. Major CLAUSEN. Yes. Well, the quotation is in small print.

Colonel WYMAN. "To confirm."

678. Major CLAUSEN. "There is no record in this office."

Colonel WYMAN. Well, I found some, myself, after I came out here, so the person who made this report made a defective report.

679. Major CLAUSEN. In other words, you say the person who made the record—

Colonel WYMAN. No—made this report. It states, here:

There is no record in this office (United States Engineers Office, Honolulu T. H.) of any formal complaints registered by the Government concerning delays of the contractor during 1941.

What is a formal complaint? "Concerning delays of the contractor during 1941." Well, I found some. I introduced them as evidence.

680. Major CLAUSEN. Now, let me invite your attention to something else, just to get the record clear. Was this Colonel B. L. Robinson ever related to you, Colonel Wyman?

Colonel WYMAN. Not at all.

681. Major CLAUSEN. At no time?

Colonel WYMAN. By act of Congress, he is my brother-in-law. [3583]

682. Major CLAUSEN. What's that?

Colonel WYMAN. By act of Congress. By this document, he is my brother-in-law, but he was never my brother-in-law, and isn't now.

683. Major CLAUSEN. Now, you have occupied adjoining rooms with Mr. Rohl, at the Pleasanton Hotel, didn't you?

Colonel WYMAN. No, I occupied adjoining rooms with Bernard Robinson, Colonel Robinson and his wife, and he lived in one room, and I and my wife lived in the next one.

684. Major CLAUSEN. Did you ever know a Bertha Andreen, in Washington?

Colonel WYMAN. No, I don't know.

685. Major CLAUSEN. Were you ever arrested here for drunkenness or any other cause?

Colonel WYMAN. No, I was never arrested for drunkenness.

686. Major CLAUSEN. Or any other cause?

Colonel WYMAN. No. I was never arrested in Honolulu. Now, wait a minute. I might have been for speeding, or something. No; I was never arrested in Honolulu.

687. Major CLAUSEN. Do you know a Werner Plack?

Colonel WYMAN. No, I don't know him.

688. Major CLAUSEN. This letter of November 24, 1941, to which I invited your attention, states, in paragraph 3:

It is directed that in the future each cost-plus-a-fixed-fee contractor submit to the district engineer on the 10th and 25th day of each month a brief report setting forth his views as to progress being made, difficulties encountered, anticipated difficulties, and [3584] recommendations for improving the conduct of the work. This report will be submitted through the project engineer, who will by endorsement thereon make such comments as are pertinent and then forward it within 24 hours to the district engineer.

Did you make such reports?

Colonel WYMAN. That paper was issued in November 1941, and probably received here after the Pearl Harbor disaster. Maybe it wasn't received until as late as January 20, because that is the first mail came over here, 1942; and none of that was—that is, that paper wasn't, couldn't have been complied with before the Pearl Harbor disaster.

689. Major CLAUSEN. Did you make such reports?

Colonel WYMAN. I don't know. You will have to look, consult the files of the district engineer.

690. Major CLAUSEN. That is all.

691. General GRUNERT. Are there any other questions?

Colonel, have you anything else you want to bring up that may assist the Board?

Colonel WYMAN. Well, General, there are certain requests have been made to submit copies of letters from the files of the district engineer's office, if we can find them, and we will make a search, and we will have to quote Army orders, Army regulations and Army orders, or Engineer Orders and Regulations, to answer some of the questions of the Colonel as to the authorities of the Chief of Engineers, the division and the district, at that time. It can be done.

692. General GRUNERT. Do you wish a rehearing, or do you wish to submit an additional statement?

[3585] Colonel WYMAN. Yes, sir.

693. General GRUNERT. Then the limit on time for submission of that additional statement, I will have to set as September 25.

Colonel WYMAN. Yes, sir. Here, General, or elsewhere?

694. General GRUNERT. No, we will be in Washington then.

Colonel WYMAN. Yes, sir.

695. General GRUNERT. You can submit it any time you have it ready, or submit it in Washington.

Colonel WYMAN. Will I have an opportunity to read my testimony with a view of making any corrections?

696. General GRUNERT. That has not been granted heretofore. I do not see why you shouldn't read it, but you cannot change anything therein.

Colonel WYMAN. Except by additional information?

697. General GRUNERT. Except by an addendum thereto.

Colonel WYMAN. Yes, sir.

698. General GRUNERT. That has been granted to several others, and I see no reason why it should not be granted to you. It will have to

be done, though, in the presence of the Recorder or the Assistant Recorder.

Colonel WYMAN. Yes, sir.

699. General GRUNERT. And as soon as it is typed. The Board expects to get away from here Monday or Tuesday, next week, and it should be done before that time, because we cannot leave a copy.

Colonel WYMAN. Will there be any occasion for me to come back to the Board again, here?

700. General GRUNERT. Not unless it is of your own desire.

Colonel WYMAN. Yes, sir.

[3586] 701. General GRUNERT. And if so, arrangements will have to be made, because our time is all taken up.

All right. Thank you.

(The witness was excused, with the usual admonition.)

(Whereupon, at 5:15 p. m., having concluded the hearing of witnesses for the day, the Board took up other business.)

[3587]

C O N T E N T S

Friday, September 15, 1944.

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[3588] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

FRIDAY, SEPTEMBER 15, 1944

FORT SHAFTER, TERRITORY OF HAWAII.

The Board, at 8:00 a. m., pursuant to recess on yesterday, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF COLONEL BERNARD L. ROBINSON, CHIEF OF ENGINEERS, 520 1ST ENGINEERS CONSTRUCTION, HOLLANDIA, NEW GUINEA

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel Robinson, will you please state to the Board your name, rank, organization and station?

Colonel ROBINSON. Bernard L. Robinson, Colonel, Corps of Engineers, 520 1st Engineers, Construction, Hollandia, New Guinea.

2. General GRUNERT. Colonel, General Frank, assisted by Major Clausen, will develop this part of the investigation by which we hope to get some evidence from you.

3. General FRANK. Colonel Robinson, General Bragdon, who is counsel for Colonel Wyman, suggested you come here as a witness, and I assume there is some information you have to give [3589] that it is desired you give to the Board. Have you a statement to make?

Colonel ROBINSON. Well, sir, I did not go over this thing in any detail with General Bragdon. About the only point I discussed with him was the fact that particularly prior to Pearl Harbor the District Engineer's authority was considerably limited, that the method of making contracts and the limitation of funds that the District Engineer could expend on his own authority was exceedingly limited, in accordance with orders and regulations of the Engineer Department, Army regulations and Congressional statute, and that was quite a different picture from the way we operate now or the way we operated down in the Southwest Pacific area, for instance. Also, certain approvals had to be obtained from the Division Engineer, Chief of Engineers and, in certain instances, from the Department Commander at a

later date. That was the only point I discussed at all with General Bragdon.

4. General FRANK. How did you get along with Paul Grafe?

Colonel ROBINSON. I got along fairly well with him. I did not have any direct dealings with him. I was present at a number of meetings that he had with Colonel Wyman.

5. General FRANK. On what duty were you from about July, 1941, through 1942?

Colonel ROBINSON. I was Chief of the Operations Division of the District office, directly under Colonel Wyman.

6. General FRANK. When did you take that position?

Colonel ROBINSON. I believe it was about the 1st of July, sir.

7. General FRANK. What did you do before then?

[3590] Colonel ROBINSON. I was Disbursing Officer, under Major Burnell. Wait a minute. I think I am a year off on that, sir.

8. General FRANK. How about 1941, then?

Colonel ROBINSON. I believe I was Operations Officer throughout that period, sir. I believe I stopped disbursing some time before that, around the early part of the year.

9. General FRANK. Then you did not have much contact with Grafe?

Colonel ROBINSON. Not directly. I had more contact with his assistant, McCullough, than I did with Grafe.

10. General FRANK. How did you get along with McCullough?

Colonel ROBINSON. Well, I didn't like the way he was tackling the job. I so reported to Colonel Wyman. There was no friction between us particularly, except I felt at one stage of the game that the job was not moving fast enough, and I so reported.

11. General FRANK. He was not big enough to measure up to his responsibilities?

Colonel ROBINSON. In my opinion that was true, yes, sir.

12. General FRANK. Who took his place?

Colonel ROBINSON. As I recall, a chap by the name of Ashlock.

13. General FRANK. What was Rohl's job when he came over here?

Colonel ROBINSON. Rohl assumed the supervision of the work of the Hawaiian Constructors, general supervision, as he was the top man in the Hawaiian Constructors.

14. General FRANK. Was Grafe here at the time?

Colonel ROBINSON. He was during a portion of the time, [3591] yes, sir.

15. General FRANK. Who was in charge when Grafe and Rohl both were here?

Colonel ROBINSON. As I recall, they had a committee to determine matters of policy for the Hawaiian Constructors which, to the best of my memory, was Grafe and Rohl, Benson and Woolley.

16. General FRANK. Who headed up the group for the Hawaiian Constructors? Somebody must have been chairman of the group.

Colonel ROBINSON. I believe that Mr. Rohl had the over-all authority as to final decision. That is my recollection, sir.

17. General FRANK. How did he get that over-all authority? By an agreement among the Constructors or by designation by Colonel Wyman?

Colonel ROBINSON. I believe it was by agreement among the Constructors and it had probably to do with the amount of his financial interest in the joint venture.

18. General FRANK. Did you know Rohl?

Colonel ROBINSON. I knew him, yes, sir. I did not know him prior to this, until his coming to Hawaii.

19. General FRANK. Was his service entirely satisfactory while he was here?

Colonel ROBINSON. Up until about April—

20. General FRANK. What year?

Colonel ROBINSON. Of 1942, it was satisfactory. The last month or six weeks that he was here I did not consider that he was adding anything to the picture.

21. General FRANK. Why?

[3592] Colonel ROBINSON. He simply turned over his duties to his subordinates and took practically no active part in the administration of the contract during that month or six weeks.

22. General FRANK. Did his habits have anything to do with his lack of productiveness?

Colonel ROBINSON. You mean drinking, sir?

23. General FRANK. Yes.

Colonel ROBINSON. I suspected that they did, but I had no direct knowledge of that.

24. General FRANK. Did you ever have occasion to go see him?

Colonel ROBINSON. Yes, sir.

25. General FRANK. Where?

Colonel ROBINSON. I saw him on one or two occasions in the Moana Hotel, I believe it was.

26. General FRANK. Socially or on business?

Colonel ROBINSON. On business.

27. General FRANK. How did you come to go there to do business with him?

Colonel ROBINSON. He had reported that he was ill and, as I recall it, I called him on the phone and he asked me to come out, and I believe I did that on one or two occasions. He was not drinking at the time. He was ill.

28. General FRANK. From what, do you think?

Colonel ROBINSON. I do not know, sir.

29. General FRANK. What do you think?

Colonel ROBINSON. Well, at that particular time I did not observe that it was due to liquor, but I think he had a heart condition and a general—he was not physically active and I think that his liquor habits probably contributed to his [3593] physical condition.

30. General FRANK. Was that the general impression around the camp, around headquarters?

Colonel ROBINSON. It was Colonel Wyman's impression. I do not recall discussing it with anyone else.

31. General FRANK. Well, you had a group of associates who knew what the topside organization among the contractors was, and you knew whether you had confidence in it, or not. Those are things that are discussed by a group that are in the know, is it not?

Colonel ROBINSON. I had confidence in his subordinates?

32. General FRANK. You had confidence in his subordinates?

Colonel ROBINSON. Yes.

33. General FRANK. Did you have confidence in him?

Colonel ROBINSON. Not at that time. I did prior to that time, yes, sir.

34. General FRANK. Why didn't you?

Colonel ROBINSON. Because he was not on the job.

35. General FRANK. And why wasn't he on the job?

Colonel ROBINSON. I think I have stated that, sir.

36. General FRANK. In a different way you have stated it. Now, state it straight out, your opinion, baldly.

Colonel ROBINSON. In my opinion, Mr. Rohl was not able to do work because of the physical condition, to which his drinking probably contributed.

37. General FRANK. Did similar habits ever apply to Colonel Wyman?

Colonel ROBINSON. No, sir.

[3594] 38. Major CLAUSEN. You were Colonel Wyman's assistant, were you, sir?

Colonel ROBINSON. Yes, sir.

39. Major CLAUSEN. You had known Colonel Wyman quite some time?

Colonel ROBINSON. I have known him since about June of 1940.

40. Major CLAUSEN. Did you talk with him before you came to testify today, just a few days ago, yesterday?

Colonel ROBINSON. Yes, I talked with him last night.

41. Major CLAUSEN. Do you recall Maurice G. Parker, who was an employee of the U. S. E. D. at the time you were on duty as Colonel Wyman's assistant?

Colonel ROBINSON. I do not recall him personally, no. I took occasion to read the Congressional document last night, and I ran across his name in there in connection with my name.

42. Major CLAUSEN. Do you recall an incident when the Hawaiian Constructors, acting under Hans Wilhelm Rohl, wrote a letter to the U. S. E. D. here at Honolulu requesting that the U. S. E. D. buy from Rohl's company, the Rohl-Connolly Company of Los Angeles, California, certain equipment which was later appraised by Mr. Parker?

Colonel ROBINSON. I recall the incident, yes.

43. Major CLAUSEN. Let me just ask you whether or not the appraisal by Parker was lower than the amount which was afterwards paid?

Colonel ROBINSON. As I recall, his original appraisal was, yes, sir.

44. Major CLAUSEN. And you recall that the original appraisal—I don't want to hold you to exact figures—was in the [3595] neighborhood of \$131,000?

Colonel ROBINSON. The figure sounds substantially correct. I do not recall the exact figure.

45. Major CLAUSEN. Now, that appraisal was made under your direction, was it not?

Colonel ROBINSON. Yes, sir.

46. Major CLAUSEN. Do you remember that when Mr. Parker's appraisal came back at this figure that neither Rohl nor Colonel Wyman liked it, they objected to it?

Colonel ROBINSON. No, sir; I do not think that—that is not in accordance with my memory. As I recall the facts were that this

appraisal was made as of the date that Mr. Parker investigated the pieces of plant in question.

47. Major CLAUSEN. In other words, Mr. Parker was your man, employed by the government, who went out and made an appraisal and came back and said this property is worth \$131,000?

Colonel ROBINSON. The value of the property that I had to determine to make a recommendation to Colonel Wyman, who I believe made an independent appraisal, was the value at the time the government received it from the contractors. Now, to enable me to arrive at such a figure I had to work backwards on it, because no investigation of the equipment had been made when it had been initially received from the contractors. Therefore, I desired a figure of its present value in order that the value of its deterioration during the time the government had had it might be added to it. I did not look to Mr. Parker to determine the amount of that depreciation.

48. Major CLAUSEN. My question, Colonel, was this: Whether it is not correct that you sent Mr. Parker out to make an [3596] an appraisal, that he came back and said the property was worth \$131,000?

Colonel ROBINSON. Yes, sir.

49. Major CLAUSEN. Now then, my next question is this: as to whether Mr. Rohl and Colonel Wyman objected that the price put upon the appraisal was too low?

Colonel ROBINSON. I do not recall that they did. I do not recall that that was the figure that I turned over to Colonel Wyman.

50. Major CLAUSEN. Do you remember that when Mr. Parker came back with this appraisal of \$131,000 you called a meeting of Mr. Middleton, Mr. Rohl, Mr. Wodley and Mr. Benson?

Colonel ROBINSON. I recall such a meeting was held, yes, sir.

51. Major CLAUSEN. Do you recall that at this conference Mr. Parker was told that his appraisal was too low?

Colonel ROBINSON. I recall telling Mr. Parker that we would have to add to the appraisal the amount or the value that the government had gotten out of the plant in the several months that it had been in use prior to its appraisal. Whether that occurred at this conference, or not, I do not recall. It is my recollection that it was separately with Mr. Parker, but it may have come out at this conference.

52. Major CLAUSEN. Do you recall that at this conference Mr. Rohl said that the equipment had been overhauled in the States and that he had had his figures on the cost of the repairs and that he should be paid rent for the previous four months?

Colonel ROBINSON. I recall that some such statement was made by Mr. Rohl some time during the proceedings, whether at the conference or not.

[3596-A] 53. Major CLAUSEN. And do you remember that when Mr. Rohl said that Mr. Parker then said that whoever did the work of repairing it did a very good job of covering up defects, to which Mr. Rohl objected?

Colonel ROBINSON. I do not recall that now, sir.

54. Major CLAUSEN. Do you recall that Mr. Parker said that so far as he was concerned the appraisal represented the actual worth of the equipment, but that if the difference between the two figures, that is, the amount asked by Mr. Rohl and the amount set upon the equipment as its value by Mr. Parker, was rent claimed, he would put in a

letter to that effect, and that he did put in such a letter on March 12, 1942?

Colonel ROBINSON. I recall some such discussion between Mr. Parker and myself. Whether it was at this conference or not, I do not recollect.

55. Major CLAUSEN. And that later in actuality there was paid to the Rohl-Connelly Company for this equipment \$166,423.17?

Colonel ROBINSON. I assume that whatever figure was agreed upon was paid, yes, sir.

56. Major CLAUSEN. Do you know that that sale represented a profit on the books of the Rohl-Connelly Company to the Rohl-Connelly Company of \$65,000?

Colonel ROBINSON. No, sir; I do not remember that.

57. Major CLAUSEN. Do you recall a Mr. Tillman who used to work for you, Colonel?

Colonel ROBINSON. Tillman, yes, sir.

58. Major CLAUSEN. Do you remember a transaction where he made some appraisals?

Colonel ROBINSON. I do not recall; no, sir.

[3597] 59. Major CLAUSEN. Do you recall an occurrence when he went out and looked up some equipment at your request and he came back and said it was a pile of junk and you said, "For God's sake, don't buy it then"?

Colonel ROBINSON. I would like to have my memory refreshed on that. I think if I knew the items of the equipment I could probably recall.

60. Major CLAUSEN. This equipment was equipment, I believe, that was owned by the company, the Hawaiian Contracting Company, over which Mr. Benson had something to say?

Colonel ROBINSON. Yes, I recall that incident.

61. Major CLAUSEN. You recall the incident of the equipment?

Colonel ROBINSON. Yes, sir.

62. Major CLAUSEN. Now, is it not a fact that Mr. Tillman was sent out to look at some equipment and he came back and told you that so far as the Government buying this equipment was concerned, it was a pile of junk?

Colonel ROBINSON. As to certain items of it, yes, sir, I recall that.

63. Major CLAUSEN. And that you said to him "Well, if that is the case, let's not buy it", or words to that effect?

Colonel ROBINSON. I probably made some such statement. I do not recall.

64. Major CLAUSEN. Do you recall later on you sent him back again to look at this equipment, after some intervening time?

Colonel ROBINSON. I may have. I do not recall the details at this time.

65. Major CLAUSEN. You cannot remember that?

Colonel ROBINSON. I probably did. I just do not recall [3598] that.

66. Major CLAUSEN. Do you remember that that which was said to be a pile of junk was later bought by the Government?

Colonel ROBINSON. Yes, sir.

67. Major CLAUSEN. That is all.

Colonel ROBINSON. May I add on that statement, rather than leave an erroneous impression in the record, that I recall the circumstances. There were a few pieces of equipment which the Hawaiian Contracting Company had which were not piles of junk and which were required due to shortage of equipment which existed in Hawaii at that time. Mr. Benson would not agree to sell us the satisfactory items of equipment, and we did agree to buy all of his equipment, his argument being that if we took only the satisfactory items of equipment it would put him out of business as a contractor, as he could not replace it and it was therefore necessary to buy all or none of his equipment.

68. General RUSSELL. In your earlier testimony, Colonel, you said that Mr. Rohl's experience here in 1942, some time before he left, was not satisfactory and you gave General Frank the reasons therefor. You recall that?

Colonel ROBINSON. Yes.

69. General RUSSELL. In connection with that same testimony you stated that you knew that the impression which you had about Rohl was entertained also by Colonel Wyman.

Colonel ROBINSON. Colonel Lyman, sir, his successor.

70. General RUSSELL. Not Colonel Wyman?

Colonel ROBINSON. Not Colonel Wyman, no, sir. He had at that time.

[3599] 71. General RUSSELL. You did not talk to Wyman, then, prior to his departure about the effectiveness of Rohl as chairman of this executive board of the Hawaiian Constructors?

Colonel ROBINSON. No, sir.

72. General RUSSELL. That is all.

Colonel ROBINSON. It was Colonel Lyman. It was after Wyman's departure.

73. General RUSSELL. Just a minute. The relation between Colonel Wyman and Mr. Rohl was rather cordial, was it not?

Colonel ROBINSON. Not any more so than any other contractors. I don't know what you mean by cordial.

74. General RUSSELL. They were together quite a bit when they were not working?

Colonel ROBINSON. Not to my knowledge, no, sir.

75. General RUSSELL. Don't you know whether they were together at night in a hotel prior to the time of the departure of Colonel Wyman from the islands?

Colonel ROBINSON. I was with him a good portion of that time. Mr. Rohl was there on some of those occasions, yes, sir.

76. General RUSSELL. At a hotel?

Colonel ROBINSON. At the Pleasanton Hotel.

77. General RUSSELL. At the Pleasanton Hotel?

Colonel ROBINSON. Yes.

78. General RUSSELL. Were there offices in there used by Rohl and Wyman?

Colonel ROBINSON. Yes, sir.

79. General RUSSELL. Did any other contractors have offices in the hotel?

[3600] Colonel ROBINSON. No, sir. Just the Hawaiian Constructors. All of the Hawaiian contractors used that as an office, that

is, Benson, Woolley and all of the joint adventurers, and Colonel Wyman and I had an office in there.

80. General RUSSELL. That is all.

81. General GRUNERT. Colonel Toulmin, any questions?

82. Colonel TOULMIN. No questions.

83. Major CLAUSEN. Do you know Miss Schlesinger?

Colonel ROBINSON. Yes, sir.

84. Major CLAUSEN. Do you remember the night there was a party for Colonel Wyman on his leaving the islands?

Colonel ROBINSON. Yes, sir.

85. Major CLAUSEN. Do you recall that you phoned Miss Schlesinger to come down that night?

Colonel ROBINSON. I believe I did, yes, sir.

86. Major CLAUSEN. To dig up some contracts?

Colonel ROBINSON. Yes, sir.

87. Major CLAUSEN. Did she dig up some contracts for you?

Colonel ROBINSON. Yes, sir. I think there were quite a number that we signed on that occasion.

88. Major CLAUSEN. Just tell the Board what they were.

Colonel ROBINSON. Supplemental agreements that had been typed during the day.

89. Major CLAUSEN. This was during what hours that she dug out these contracts on that day or that night?

Colonel ROBINSON. It was pretty late at night. I have forgotten. Probably around 11 or 12.

90. Major CLAUSEN. How long did it take you in the process of her digging out the contracts and you signing them?

[3601] Colonel ROBINSON. I do not recall that, sir.

91. Major CLAUSEN. About how long?

Colonel ROBINSON. Oh, I do not recall that, sir.

92. Major CLAUSEN. You are positive that on this night she came down and dug out these contracts for you?

Colonel ROBINSON. I am quite certain it was that night.

93. Major CLAUSEN. That is all.

94. General GRUNERT. Colonel, I want to ask a few questions about this Mr. McCullough. He was what? The general superintendent of the Hawaiian Constructors, or what?

Colonel ROBINSON. Yes, sir, he was general superintendent.

95. General GRUNERT. And he was not satisfactory?

Colonel ROBINSON. In my opinion he was not, no, sir.

96. General GRUNERT. When did you judge he was not satisfactory, about the month, do you recall? When did they start construction over here under the Hawaiian Constructors?

Colonel ROBINSON. It must have been in January or February because the contract was dated in December. January or February of 1941. I do not recall the exact month, but it was a month or so after that, as I recall it.

97. General GRUNERT. On what did you judge him?

Colonel ROBINSON. On the initiation of the work, sir.

98. General GRUNERT. How long after they got over here was the work initiated? How long did it take them to set up to get the work started? We assume now the contract was signed by the Under Secre-

tary of War early in January. How long did it take them to get the thing set up to get started?

Colonel ROBINSON. That is a matter of record, I believe, sir.

[3602] 99. General GRUNERT. I want the matter of record out of you. I want you to testify to the best of your memory.

Colonel ROBINSON. Yes, sir.

100. General GRUNERT. You were over here. You saw it started. Now, why cannot you tell me? Was it two months, one month, two weeks?

Colonel ROBINSON. To the best of my recollection it was about one month or six weeks, I believe, sir.

101. General GRUNERT. Then that would make it when, when the work went on, whereby you could judge McCullough?

Colonel ROBINSON. That would make it in March, sir.

102. General GRUNERT. March?

Colonel ROBINSON. Yes.

103. General GRUNERT. February, at the earliest?

Colonel ROBINSON. Yes, sir.

104. General GRUNERT. March probably at the latest, when the work got underway?

Colonel ROBINSON. Yes.

105. General GRUNERT. By that time you were able to size up McCullough?

Colonel ROBINSON. There was the questions of camps and things of that sort also that entered into it.

106. General GRUNERT. How much did you have to do with camps? The company set up their own camps, didn't they? The Engineers did not come into this until the contract started, did they?

Colonel ROBINSON. Yes. We had the supervision of their camps and it was also on government property. We had to arrange for power and light installations and also we were under obligations to furnish certain material.

[3603] 107. General GRUNERT. All right. We will go to another point. You say that the plant material that the government purchased from the Hawaiian Constructors when received was not appraised, and therefore you had to allow some value later on when you bought it in order to make up for its use during that time?

Colonel ROBINSON. Yes, sir.

108. General GRUNERT. Why wasn't it appraised when you got it?

Colonel ROBINSON. That I could not answer, sir, except it was received in Los Angeles, loaded there, and was sent to Christmas and was supposed to go to Canton Island.

109. General GRUNERT. Whose business or duty was it to appraise this property upon its receipt by the Engineers?

Colonel ROBINSON. The responsibility was the District Engineer's.

110. General GRUNERT. Then there was a lack of good administration, or somebody failed to do their duty in not appraising it when the government took it over?

Colonel ROBINSON. No, sir, I don't think that is so at all. I think it was the contention——

111. General GRUNERT. When you get something what do you do, in order to protect the government? Do you appraise its value so the government will get a fair deal, or do you wait three or four or

five months and use it and then appraise it and then practically sell it on the contractor's say so? Why is it not poor administration if they do not appraise it when they get it? Why is it not a lack of doing their duty when that occurs?

Colonel ROBINSON. General, in appraising items of plant we followed the A. G. C. schedule.

[3604] 112. General GRUNERT. What is that?

Colonel ROBINSON. It is a schedule which lists all items of engineering equipment new and its value after so many years of use and is generally accepted as a basis of rental in government contracts. That, as I recall it, was the original basis. The cost out here was, of necessity, of course, higher than that shown in the schedule.

113. General GRUNERT. Then you rented all of this property to start with; I mean that is used as a basis for computation. Did you rent it when they started?

Colonel ROBINSON. I believe that is covered in the general terms of the contract. I am not quite sure of that.

114. General GRUNERT. I do not see how you can protect the government if you do not know the value of the property. Suppose it is destroyed; then how are you going to reimburse the ones who owned it, if you do not know the appraised value when you get it? Suppose it had been sunk by enemy action on the way to Christmas Island; how then would you have known what to reimburse a contractor, except on his own demand?

Colonel ROBINSON. Well, under such a hypothetical case, if I were negotiating it I would go to the A. G. C. schedule and negotiate it with the contractor on that basis.

115. General FRANK. What is the A. G. C.?

Colonel ROBINSON. Associated General Contractors. They have gotten out this schedule and it has been generally recognized by the government.

116. General GRUNERT. It seems to me very loose administration and a lack of properly protecting the government, that sort of procedure, and I do not quite understand it. That is why I [3605] want you to explain it. Here apparently the property is purchased at beyond its appraised value by a government agent who is competent to appraise it. Then that appraised value is raised and it is sold at that raised value, presumably to pay for some of its use in the past, and you state that it was not appraised when received. Therefore, it had to be lifted so as to compensate the contractor. That is what I want to get out of you. Is that correct?

Colonel ROBINSON. Yes, sir, that is right.

117. General GRUNERT. Then I cannot quite understand why it is not poor administration, the lack of somebody doing their duty to start with, if that sort goes on or did go on in the Corps of Engineers. I do not expect you to admit that you did not do your duty or was a poor administrator, but I want it explained why the Corps of Engineers had such an apparent laxity in its methods of doing business on behalf of the government. Have you anything to add in explanation of it?

Colonel ROBINSON. Nothing, except that I think we got a very good price out of it at that, according to what it was worth to us. There was also a great rush to get this equipment. We were working on a very close deadline at Christmas and Canton Islands and that

may have had something to do with the fact that it was not appraised prior to sailing from Los Angeles.

118. General GRUNERT. Why do you suppose Mr. Parker would not give way and agree to appraise it at the value that this committee apparently wanted it appraised at? Why do you suppose he became bullheaded? Do you suppose he thought that he was not going to be a party to putting something over on the government? I wonder what was back of it.

[3606] Colonel ROBINSON. He only appraised it at the value at the time.

119. General GRUNERT. That is the value at which it should be purchased. A good administrator, I think, would have said, "Purchase it at that appraised value and pay the contractor for claims of rental for the time." Then it looks as if you would have been in the clear. Now it does not look good. Do you see what I mean?

Colonel ROBINSON. Yes, sir. I don't think there would be very much difference in the money value.

120. General GRUNERT. Possibly there would not be any difference in the money value, but it does not look good on the record. Here a man appraises it and it is sold for something way beyond that appraised value, and naturally it looks suspicious. That is why I wanted to get what explanation there appeared to be.

[3607] 121. General GRUNERT. Now, about the Benson equipment. I believe you said Benson had some items that could be used and some items that couldn't be used or were unserviceable, we will call it, and he wouldn't sell the good items unless he sold the unserviceable items with it, because that would put him out of business; is that right?

Colonel ROBINSON. Yes, sir; that is correct.

122. General GRUNERT. Do you recall what percentage of the items were good and what percentage were unserviceable?

Colonel ROBINSON. Not offhand.

123. General GRUNERT. What was good equipment and what was unserviceable equipment?

Colonel ROBINSON. Not offhand, but it was a high percentage of stuff which we felt we were getting our money's worth out of, somewhere around 80 or 90 percent, something of that kind. I have forgotten.

124. General GRUNERT. That was good or bad?

Colonel ROBINSON. That was serviceable, sir, that we expected to get our money's worth out of the over-all deal.

125. General GRUNERT. Well, it seems strange, then, that your representative went down there on two occasions and came back on both occasions and said the stuff was junk. If 90 percent of it was serviceable, it doesn't seem reasonable he would come back and say it was junk; the other, the 10 percent. It looks more to me as if it would be over 50 percent junk, or else he wouldn't have given you that sort of a report.

Colonel ROBINSON. Of course, in this connection, as I recall it, a lot of the equipment which we purchased was not [3608] delivered to us until May 1942, new equipment which we placed orders on some eight, ten, or twelve months before. I recall just before I left here that our first shipment—

126. General GRUNERT. And then there was some new equipment that was not on the ground at that time?

Colonel ROBINSON. This is not in connection with this contract, sir. This is in connection with equipment which we had ordered, Government purchase.

127. General GRUNERT. But this lot of Benson equipment that was appraised and called junk by the appraiser or the man who went to look at it—then you figured that that part that was usable to the Engineers was worth paying the total amount for the whole business?

Colonel ROBINSON. Yes, sir. The point I was trying to make was that we were desperately in need of equipment. We were grasping at straws to get the work done at that time.

128. General GRUNERT. All I wanted to do was to have it explained. Who consummated these deals of purchasing these two sets of equipment, first the one that was appraised by Parker, and then the Benson equipment? Who consummated those deals? Who was District Engineer, and did the District Engineer consummate them by authorizing the purchase, or what, in both those deals?

Colonel ROBINSON. The District Engineer authorized them, yes, sir.

129. General GRUNERT. Who was he? Was he the same man for both deals?

Colonel ROBINSON. I don't recall whether some of those went over, consummated after Wyman left, or not.

[3609] 130. General GRUNERT. Which was purchased first, the Parker-appraised equipment or what I call the Benson equipment?

Colonel ROBINSON. I believe that the Hawaiian Constructors equipment was purchased first.

131. General GRUNERT. And who was District Engineer at that time?

Colonel ROBINSON. Coloney Wyman.

132. General GRUNERT. And then you don't know, when the Benson equipment was purchased, whether Colonel Wyman—

Colonel ROBINSON. When the purchase was consummated; I know that Wyman was District Engineer during the preliminary negotiations at least, but whether it was consummated while he was still District Engineer or not, I do not recall, sir.

133. General GRUNERT. Anything else?

134. General FRANK. I would like to ask him a question.

135. General GRUNERT. Go ahead. I though you had finished.

136. General FRANK. No, sir.

Colonel. there was a great deal of pressure on getting this construction of these airdromes down through the line of islands to Australia finished?

Colonel ROBINSON. Yes, sir.

137. General FRANK. It was imperative that those airdromes be constructed as rapidly as possible and finished with the least practicable delay?

Colonel ROBINSON. Yes, sir.

138. General FRANK. Therefore, where possible, short-cuts were supposed to have been taken?

Colonel ROBINSON. Yes, sir.

[3610] 139. General FRANK. Now, it is traditional in the Army to handle Government funds and Government equipment with care, isn't it?

Colonel ROBINSON. Yes, sir.

140. General FRANK. That is so in the Corps of Engineers, isn't it?

Colonel ROBINSON. Yes, sir.

141. General FRANK. Yes. Now, notwithstanding the fact that there was a lot of pressure and the need for haste, wouldn't it have been possible, when that equipment was put on the LUDINGTON in Los Angeles, for arrangements to have been made, with a little foresight, to have had the equipment appraised there?

Colonel ROBINSON. I believe it would have been possible, yes, sir.

142. General FRANK. Yes. That would have been good administration, wouldn't it?

Colonel ROBINSON. Of course, I don't know the circumstances of where that equipment was——

143. General FRANK. I know, but——

Colonel ROBINSON. —or the rush, but I would say offhand——

144. General FRANK. Well, it doesn't make any difference.

Colonel ROBINSON. Hypothetical question; yes, sir, it was possible.

145. General FRANK. It doesn't make any difference where the equipment was nor how great the rush. The Corps of Engineers has an expensive organization, with a District Engineer in Los Angeles. It was a Government boat, the LUDINGTON, on which it was going. Therefore, with a little foresight and a little preliminary arrangement and good organization, arrangements [3611] could very easily have been made to have had it appraised in Los Angeles; is that correct?

Colonel ROBINSON. I believe so, yes, sir.

146. General FRANK. Yes. Now let us get back to the fact that this equipment had been in use for some time before it was appraised. It was on a rental basis, wasn't it? Or was it?

Colonel ROBINSON. I believe so, sir. I am not sure of that.

147. General FRANK. Well, if it was on a rental basis, then how long had it been in use when it was appraised by this Parker, about? I don't care for the exact dates.

Colonel ROBINSON. Just a few weeks, sir, because it was delayed quite a bit in getting to Hawaii. I would say a month, six weeks at the outside.

148. General FRANK. A month or six weeks?

Colonel ROBINSON. That is my guess at the moment.

149. General FRANK. Well, if Parker appraised it at \$131,000, and it was sold for how much?

150. Major CLAUSEN. \$166,000.

151. General FRANK. \$166,000: do you feel, do you think, just as a matter of common sense and good judgment, that it could have deteriorated one-third of its value in that length of time?

Colonel ROBINSON. Well, if it worked anything like the equipment we get down in the Southwest Pacific area, it could deteriorate a great deal more than that just in handling aboard and off ship, on board ship.

152. General FRANK. Therefore, there is all the more reason [3612] for having had it appraised before it went on the boat at Los Angeles, isn't there?

Colonel ROBINSON. Well, we didn't know that they were going to be turned around and have all of that time on the high seas, of course, at that time.

153. General FRANK. Well, it is a question of good management or poor, careless management. All right.

154. General GRUNERT. If there is deterioration of one-third in about a month, in 3 months the damn thing ought to be thrown overboard; is that the idea? It sounds exorbitant to me. I can't understand. But not being an engineer, possibly I can't get the idea.

155. General FRANK. I have a question.

156. General GRUNERT. Go ahead.

157. General FRANK. Another thing, back to this property that was taken from the Hawaiian Contracting Company. How long have you been in the service?

Colonel ROBINSON. 26 years, sir.

158. General FRANK. All right. Do you know of any authority in the world that an officer in the Engineer Corps has for paying good Government money for worthless equipment?

Colonel ROBINSON. Do I know of any authority for it?

159. General FRANK. Yes.

Colonel ROBINSON. No, sir; I know of no authority for paying Government money without getting value received.

160. General FRANK. As a matter of fact, when you buy equipment there is a certificate that it is in—generally the thought contained is that is in condition for the purpose for which it is purchased; isn't that correct?

[3613] Colonel ROBINSON. I believe that appears on the vouchers, some general statement to that effect.

161. General FRANK. It appears on the vouchers some place, doesn't it?

Colonel ROBINSON. I think so. Some such similar statement.

162. General FRANK. Therefore, if this equipment were purchased and it was junk and worthless, somebody signed a false statement?

Colonel ROBINSON. Well, not if all the equipment was on that voucher.

163. General FRANK. What is that?

Colonel ROBINSON. Not if all of the equipment was on the voucher.

164. General FRANK. Well, if some of it, if the worthless equipment were on the voucher, all the equipment for which good Government money was paid was not in condition to be used for the purpose for which it was purchased, was it?

Colonel ROBINSON. I am not sure that there was any there that was absolutely unserviceable. I don't think we bought scrap metal, if that's what you mean. In other words, if you buy a brand-new car, you pay a high price. If you buy a car that may not run at the moment, with the idea of fixing it up, at a very low price, you are getting your money's value out of it.

165. General FRANK. But you yourself testified that Benson wouldn't sell the good equipment unless they included in it the purchase of the worthless equipment. So how, according to the Government system, did anybody have authority to buy [3614] the worthless equipment?

Colonel ROBINSON. Well, I doubt if any of those items were—were described them as junk, but I doubt if any of them were in such shape that they could not be fixed up and gotten some use out of them.

166. General FRANK. Well, now, the other side of it is: In accord-

ance with this understanding that you have put out here, if the worthless equipment was not on the certificate, and they paid money for it,——

Colonel ROBINSON. You must have misunderstood me. I made no such statement as that, sir.

167. General FRANK. I know you didn't make any such statement. I said, there is the other side of it. If what I just got through discussing is not in accordance with the fact, the other side of it is that if they didn't take the worthless equipment, if it were not on the voucher, and compensation was paid, in accordance with Benson's demand, for all of it, then that is still worse, isn't it? It would have been, had that been the case?

Colonel ROBINSON. Well, I don't think there is any question that that was the case, sir. I am quite certain it was not.

168. General FRANK. All right.

169. Colonel TOULMIN. May I ask him a question?

170. General FRANK. Yes.

171. Colonel TOULMIN. As a matter of fact, this man Benson was working a strong-arm game on the Government by saying that you couldn't have the equipment you wanted unless you took the junk off of his hands with it; isn't that the truth?

[3615] Colonel ROBINSON. I wouldn't state it that way, no, sir.

172. Colonel TOULMIN. All right. You state it your way and see if you don't come out to the same conclusion.

Colonel ROBINSON. The way that Mr. Benson stated it, as I recall, was that if we took a portion of his equipment, took the major portion of his equipment, and then he was out of business as a contractor, we could use the other equipment, and therefore it was determined to buy it, both in the interests of the Government and in the interest of playing fair with the contractor with whom we were dealing.

173. Colonel TOULMIN. And playing fair, so-called, with the contractor at the Government's expense by taking the junk off his hands because he wouldn't sell you the good equipment without the junk; isn't that it? That's what you testified to.

Colonel ROBINSON. Well, your wording is different than mine, sir, but it's all right.

174. Colonel TOULMIN. That is the net result, isn't it?

Colonel ROBINSON. Well, I have stated it my way, Colonel. I don't care to state it your way.

175. Colonel TOULMIN. Well, then do you want us to understand that all the equipment you bought was good equipment?

Colonel ROBINSON. No, sir. I have testified to the condition of the equipment.

176. Colonel TOULMIN. All right. Some of it was good and some was worthless or substantially worthless; is that right?

Colonel ROBINSON. Yes, sir.

177. Colonel TOULMIN. All right. Benson told you that he wouldn't let you have the good equipment unless you took the other stuff that wasn't so good or was worthless with it; that is right, isn't it?

[3616] Colonel ROBINSON. Yes, sir.

178. Colonel TOULMIN. All right. That is all I want.

179. General GRUNERT. As a matter of fact, isn't it true that you needed this equipment so badly that you had to take what you could get and practically pay the contractor's price to get what you actually needed?

Colonel ROBINSON. Yes, sir.

180. General GRUNERT. Isn't that about the game?

Colonel ROBINSON. We desperately needed equipment.

181. General FRANK. Isn't it also true that, notwithstanding all the need that you had for it, there is a requirement for doing it in accordance with standard practice?

Colonel ROBINSON. I believe it was so in this case, yes, sir.

182. General FRANK. Yes.

183. Major CLAUSEN. Let us pass from the junk of the Hawaiian Contracting Company to the equipment of the Rohl-Connolly Company for a moment. General Grunert asked you questions as to dates. Isn't it true, Colonel, that the sum mentioned in the letter from Mr. Rohl, signed on behalf of the Hawaiian Constructors, suggesting that this property be bought by the Government, was the identical sum which was later paid, 166 some-odd thousand dollars?

Colonel ROBINSON. I don't know that of my own knowledge. That must be a matter of record.

184. Major CLAUSEN. Yes, sir. And that letter, sir, was dated March 11, 1942; the appraisal by Mr. Parker was made on March 12, 1942; the purchase was authorized by Colonel Wyman on March 13, 1942; and Colonel Wyman was relieved on March 15, 1942. That is correct, isn't it?

Colonel ROBINSON. Probably correct. I don't recall dates, sir.

[3617] 185. Major CLAUSEN. All right. Now, isn't it also true that all this equipment, this Rohl-Connolly equipment, was used equipment when it was shipped from Los Angeles on the LUDINGTON?

Colonel ROBINSON. I believe that is true, yes, sir.

186. Major CLAUSEN. All right. And isn't it also true that one of the items that Mr. Parker discussed at this conference was the fact that there was no scrap of paper anywhere representing any kind of a deal whatsoever concerning this equipment?

Colonel ROBINSON. I don't recall that, no, sir.

187. Major CLAUSEN. Isn't it true that there was no written agreement entered into at any time before the Government got this equipment by this purchase on the—

Colonel ROBINSON. I believe it is covered in the general terms of the contract, sir.

188. Major CLAUSEN. No, I am not asking you that.

Colonel ROBINSON. All right.

189. Major CLAUSEN. Now, I am asking you the question with the knowledge of what the contract says. I am asking you whether your memory isn't to the effect that it was discussed at this conference by Mr. Parker that there was no written document representing any such rent.

Colonel ROBINSON. I don't recall Mr. Parker making any such statement, no, sir.

190. Major CLAUSEN. Well, what is the fact as to whether there was any written document, any kind of a formality of a record of any kind,

regarding this equipment that the Government bought? What is the fact?

Colonel ROBINSON. I do not know the fact, sir.

191. General FRANK. He wouldn't know.

192. Major CLAUSEN. In addition to not appraising it at Los [3618] Angeles, would there be any excuse that you know of for not putting these things down in writing?

Colonel ROBINSON. There should be a record of it; yes, sir.

193. Major CLAUSEN. Now, who was the District Engineer in November 1941?

Colonel ROBINSON. Colonel Wyman was, sir.

194. General FRANK. Isn't this the equipment that Colonel Wyman sent Rohl back to the United States to get started on its way?

Colonel ROBINSON. I believe so, sir. I am a little hazy on that.

195. General FRANK. All right. Then, since Rohl was sent back to the United States to get this equipment on its way, all that was necessary to get system and control injected into it was for he Division Engineer in San Francisco—to go back a little bit: all that was necessary was for Colonel Wyman to advise the Division Engineer in San Francisco, who in turn could work with the District Engineer in Los Angeles to accomplish the necessary check and procedure to have this done right; that's all that was necessary, wasn't it?

Colonel ROBINSON. To have had it approved prior to shipment.

196. General FRANK. Yes.

Colonel ROBINSON. I believe so, sir.

197. General FRANK. Yes. There is nothing complicated or difficult about it. All that was necessary was just a little foresight to have it done in accordance with some system; that is correct, isn't it?

[3619] Colonel ROBINSON. Yes, sir.

198. General FRANK. Do you think you would have done that had you been in charge of it?

Colonel ROBINSON. Well, I might have, sir. It's hard to say under those circumstances of working.

199. General FRANK. All right.

200. General RUSSELL. Let me ask you: You were in the office of the District Engineer on those days of the 11th, 12th, 13th, 14th, and 15th of March, weren't you?

Colonel ROBINSON. Yes, sir.

201. General RUSSELL. You were very closely associated with the purchase of this equipment from Rohl-Connolly by Wyman representing the Government; is that true?

Colonel ROBINSON. Yes, sir.

202. General RUSSELL. You knew that the offer of sale was made on the 11th, and the appraisal on the 12th, and the contract on the 13th; is that true?

Colonel ROBINSON. I must have known it, yes, sir.

203. General RUSSELL. What impression did you get, Colonel, as to the haste in the negotiations for and the consummation of this sale? Did you think it was pretty much of a hurried-up job?

Colonel ROBINSON. No, sir, I didn't get that impression at all.

204. General RUSSELL. It is common and ordinary, then, in the Engineers, and it was at that time, to buy \$166,000 worth of equip-

ment, second-hand equipment, on an offer and an appraisal and an acceptance in three days?

Colonel ROBINSON. Well, I think it had been given the [3620] consideration for some time before. Of course, the actual—that was winding up the paper work on it. The need for the equipment existed some time before that.

205. General RUSSELL. The need did?

Colonel ROBINSON. Yes, sir.

206. General RUSSELL. But it was necessary for the Division Engineer's office to send out and have it appraised after the 11th day of March? You didn't know the value, and had to fix a value, after the offer was made, didn't you?

Colonel ROBINSON. Yes, sir. The paper had not been——

207. General RUSSELL. Not the paper work, Colonel.

Colonel ROBINSON. The value had not been fixed; I will say that.

208. General RUSSELL. That's right. You had to fix the value on \$166,000 worth of property and accept an offer for that amount, all in the course of three days. Now, my question is, Was that common and ordinary practice in the Corps of Engineers at that time?

Colonel ROBINSON. I think you will find numerous instances of that in the Corps of Engineers, yes, sir.

209. General RUSSELL. Then, your testimony is that that was simply a routine way of handling business in the Corps of Engineers at that time?

Colonel ROBINSON. I say there is nothing unusual in that——

210. General RUSSELL. Answer the question.

Colonel ROBINSON. Yes, sir.

211. General RUSSELL. That was normal and routine in the Corps of Engineers in handling business at that time?

Colonel ROBINSON. I would say so, yes, sir.

[3621] 212. General RUSSELL. All right. That is all.

213. General FRANK. Would you say, in talking of delays that you had, would you say——

Colonel ROBINSON. I didn't understand, sir.

214. General FRANK. With respect to delays——

Colonel ROBINSON. Delays, yes, sir.

215. General FRANK. ——in your projects, where your plans had to be submitted to the Division Engineer and to the Corps of Engineers before you could start work, what length of time was taken up in submitting projects and getting approval; first, those that went only to the Division Engineer's office, and those that went on into the Office of the Chief of Engineers, generally, in the period prior to December 7, 1941?

Colonel ROBINSON. You are speaking of approved projects now, General?

216. General FRANK. Yes.

Colonel ROBINSON. For which money is available?

217. General FRANK. Yes.

Colonel ROBINSON. Yes. Well, there was nothing unusual about the project. After the plans were drawn, submitted to the division, we would get them back within ten days, and to the Chief's office probably twice that long. If there was something unusual about it or something which required coordination with other agencies, it might take many times that length of time.

218. General FRANK. All right. I have no more questions.

219. General GRUNERT. Colonel, is there anything else that you think of that may be in the back of your head or the front part of it, or that you want to tell the Board, that will assist [3622] us in arriving at conclusions?

Colonel ROBINSON. No, sir.

220. General GRUNERT. Many times witnesses have something to say, and they say, "Well, I didn't get a chance to say it because they didn't ask me." I am asking you now whether you have anything you want to advance to the Board.

Colonel ROBINSON. No, sir, except that I wonder if I may read a copy of my testimony before it finally goes into the record, if that would be available to me.

221. General GRUNERT. Why, it just takes up a lot of time, unless you think you are an interested witness.

Colonel ROBINSON. No, sir. I just want to be sure what I have said is the truth; that's all, sir.

222. General GRUNERT. I don't see any objection to your reading it, but it takes up a lot of the Recorder's time. If you wish to read it you may come here and see the Recorder and read it, but you may make no changes therein, except that such changes as you suggest may be appended to your testimony.

Colonel ROBINSON. I don't know as it will be necessary, I am sure.

223. General GRUNERT. All right. It is up to you.

Colonel ROBINSON. All right.

224. General GRUNERT. You see what I mean: the testimony is given by you, is taken down and recorded. If you have made any mistake or want to change any wording, you may do so, but that change will be appended to the testimony.

Colonel ROBINSON. It stays in the record; yes, sir.

225. General GRUNERT. And the testimony will not be changed. See what I mean?

[3623] Colonel ROBINSON. Yes, sir; I understand.

226. General GRUNERT. That is fair to you, fair to everybody else. So if you want to, see the Recorder, and do it in his presence or the presence of the Assistant Recorder.

Colonel ROBINSON. Yes, sir.

227. General GRUNERT. Thank you very much for coming up.
(The witness was excused, with the usual admonition.)

**TESTIMONY OF CHESTER R. CLARKE, 114 MERCHANT STREET,
HONOLULU, T. H.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Will you please state your name and address to the Board, Mr. Clarke?

Mr. CLARKE. Chester R. Clarke, 114 Merchant Street, Honolulu.

2. Colonel WEST. And what is your occupation, Mr. Clarke?

Mr. CLARKE. I am a quarry operator.

3. General GRUNERT. Go ahead, Major Clausen.

4. Major CLAUSEN. Mr. Clarke, your business or occupation at the present time is what?

Mr. CLARKE. I am a quarry operator. I own and operate the Clarke-Halawa Rock Company.

5. Major CLAUSEN. You have been the operator of this quarry company for some time?

Mr. CLARK. Since 1939.

6. Major CLAUSEN. And your familiarity with that type of business has extended to what period?

Mr. CLARKE. Approximately 15 years.

[3624] 7. Major CLAUSEN. In other words, you have been 15 years in that type of business or some comparable building business?

Mr. CLARKE. Yes, sir.

8. Major CLAUSEN. You are pretty well known here in town, aren't you, Mr. Clarke, as an operator in that particular business?

Mr. CLARKE. Yes, sir.

9. Major CLAUSEN. You have done some big jobs, little jobs?

Mr. CLARK. Yes, sir.

10. Major CLAUSEN. And you are acquainted, are you, with other contractors in town that are engaged in the same type of business?

Mr. CLARKE. I am.

11. Major CLAUSEN. And you are also acquainted with other contractors that are engaged in allied businesses; is that correct?

Mr. CLARKE. Yes, sir.

12. Major CLAUSEN. Men like Mr. Black, Mr. Woolley; is that correct?

Mr. CLARKE. That is correct.

13. Major CLAUSEN. Yes. Now, based on your knowledge of that particular business and what you know, let me ask you, first: Are you acquainted with the work that was done here by the Hawaiian Constructors, the outfit that was composed of Rohl-Connolly Company, Gunther-Shirley Company, Callahan?

Mr. CLARKE. Considerable of it.

14. Major CLAUSEN. And your knowledge in that regard was acquired in what way, Mr. Clarke?

Mr. CLARKE. Mostly by personal contact and the supplying [3625] of materials for various projects under their control.

15. Major CLAUSEN. In other words, were you a sort of subcontractor to them at the time?

Mr. CLARKE. Yes, sir. I was both subcontractor and material contractor.

16. Major CLAUSEN. And on the basis of efficiency, your knowledge of what efficiency is in the contracting business, and your knowledge of the way that the business was operated by the Hawaiian Constructors, can you tell me in general what your personal opinion is as to whether the Hawaiian Constructors were a highly organized organization or whether its work wasn't prosecuted with the utmost efficiency?

Mr. CLARKE. Well, in my opinion, the organization was not particularly efficient and, again in my opinion, I would say poorly organized.

17. Major CLAUSEN. By the way, you are acquainted with Mr. McKee, the McKee Contracting Company?

Mr. CLARKE. Yes, sir.

18. Major CLAUSEN. And just let me ask you this question. I want a frank answer from you. By the way, I think you have been interviewed already by Colonel John E. Hunt of our Inspector General's Office at Washington, haven't you?

Mr. CLARKE. Yes, sir, I was.

19. Major CLAUSEN. Just tell the Board, Mr. Clarke, how the Hawaiian Constructors, this Rohl outfit, stacks up against, let us say, the outfit of Mr. McKee or Mr. Black or Mr. Woolley, or McClure.

[3626] Mr. CLARKE. Well, comparing with those contractors, I would say the Hawaiian Constructors would be placed at the bottom of the list. Their organization was rather lax in their pressing the work. They were lax in the planning of the work and coordination. In my opinion, at the time they were organized they were unable to secure the best of help, so they did the best they could. The work dragged a great deal, and when we offered assistance to them it did not always seem acceptable.

20. Major CLAUSEN. I believe you testified somewhat along this line to Colonel Hunt. Was that the observation of yourself, more or less, here on the island? I mean, did everybody on the island have the same sort of idea, that the Hawaiian Constructors were more or less scandalously or notoriously inefficient?

Mr. CLARKE. I would say yes.

21. Major CLAUSEN. Now, with regard to the manner in which your organization was brought into this picture, that is, the company with which you are connected—I believe you testified with regard to this—do you believe that favoritism was shown by the Engineers under Colonel Wyman in charge of the work here with respect to allocating this work?

Mr. CLARKE. I do.

22. Major CLAUSEN. Tell the Board just how that favoritism was manifested?

Mr. CLARKE. I would like to go back to approximately April, 1941, when my first real contact with Colonel Wyman and the Hawaiian Constructors occurred in the calling for bids on the island airports, one to be built on Hawaii and one on [3627] Maui—two on Hawaii, one on Maui and one on Molokai. At that time our organization and others were called in and shown plans for these various airports and informed that bids would be called for on individual airfields, and on the total series of airfields; that is, one bid. We went over the plans very thoroughly and visited the islands, myself and my engineers, and when the bids were opened on the 12th of May, 1941, a group of contractors, local contractors, were the low bidders as individuals, on individual airfields, but the organization headed by Mr. Rohl, Gunther-Shirley and I think by Mr. Grafe, were the ones that had—and also a bid by McKee and Company—were high on the total for all the airfields. Adding up the individual bids we were several hundred thousand dollars low, and when I consulted with Colonel Wyman in regard to the saving to the government he informed me that all of the local bids were being thrown out and the contract would be awarded to the Rohl-Connolly organization. We thought that quite unfair at the time and wrote two letters to the Engineers in protest, and both of them were ignored.

23. General FRANK. To whom did you address those letters?

Mr. CLARKE. To Colonel Wyman, to the United States District Engineer, attention of Colonel Wyman. One I mailed and one I delivered personally. Both were ignored.

24. Major CLAUSEN. By the way, this job that you bid on was an open bid, on a lump-sum basis, competitive bids, supposedly, isn't that right?

Mr. CLARKE. Supposedly. The bids were publicly opened. We were present at the opening.

25. Major CLAUSEN. But after going through this formality, [3628] the result was that the mainland bidders, that is, this Rohl outfit, got the job?

Mr. CLARKE. Yes, sir, they were awarded the job, but they never started. They did not get started on the work within the specified time limit. Had we been awarded these contracts, my own organization on the Molokai and the Akiona on the Hawaiian one, and the Hawaiian Constructors on the Maui field, all of us would have had those fields completed within the year 1941.

26. Major CLAUSEN. Before December 7th, 1941?

Mr. CLARKE. Yes, sir. That was the idea, to get the fields in usable condition, and the bids specified that they should be within use within a hundred days. The plan was to put in one runway and then to complete the field, but to give the Army the use of the fields.

27. Major CLAUSEN. How much time did the Rohl outfit take to do the job?

Mr. CLARKE. I wrote a letter to the United States Engineers on the 100th day, asking them what was being done, and the letter was ignored, because we felt that we had a right to protest, owing to the fact that the jobs were being unduly hampered and not started.

28. Major CLAUSEN. Let me ask you this question: So far as the Rohl outfit was concerned, then, they did not have that job finished—or did they have these jobs finished by 7 December, 1941?

Mr. CLARKE. No, sir, they were nowhere near—they were hardly started.

29. Major CLAUSEN. Aside from the military aspects of the thing, how was the government affected from the standpoint of [3629] being gouged? What was the difference in price? How much would the government have saved had you people been awarded this contract?

Mr. CLARKE. I wrote that in the letter, and my guess at the moment is approximately \$300,000.

30. Major CLAUSEN. \$300,000; is that correct?

Mr. CLARKE. Yes, sir.

31. Major CLAUSEN. Can you give some other instances of this gouging?

Mr. CLARKE. No, not specifically. Most of the work after that time was never submitted to local contractors. That was the last opportunity we had to bid. Although we filed letters requesting permission to quote on various projects, based on the fact that we had the material, the men, the organization and equipment, we were thoroughly and always ignored.

32. Major CLAUSEN. Let me just invite your attention to the Schofield Barracks job. Do you recall that, Mr. Clarke, where there were

some 19,000 tons with respect to a bid on rock for delivery at Schofield Barracks, and there was a Mr. Kent? Who is Mr. Kent?

Mr. CLARKE. Mr. Kemp, K-e-m-p.

33. Major CLAUSEN. He was your rock superintendent?

Mr. CLARKE. He was my paving plant superintendent.

34. Major CLAUSEN. With regard to this 19,000 tons of rock aggregate, do you know, when the bids were opened, whether the prices were, in your opinion, exorbitant there?

Mr. CLARKE. Yes, they were exorbitant, and we protested at that time.

35. Major CLAUSEN. What is your memory on that point?

[3630] Mr. CLARKE. I made a trip to Schofield in regard to that matter, but I cannot recall the details. I merely remember we also protested that in writing, and the bids were awarded at a considerably higher price to some other outfit, but I would have to refer to my files to give the actual information at this time. It has been two or three years ago.

36. Major CLAUSEN. You have referred in several instances to letters. Would you be able to furnish the Board, Mr. Clarke, copies of those letters?

Mr. CLARKE. Yes, sir. I furnished them to Colonel Hunt before. I still have them. I can also furnish copies of those bids on the island airports. I have photostatic copies of those.

37. Major CLAUSEN. All right, sir, if you will do that, furnish the Board copies, we will greatly appreciate it. We are going to be here but a few days. How much time will you need?

Mr. CLARKE. I can have them by tomorrow.

38. Major CLAUSEN. Thank you very much.

39. General FRANK. Mr. Clarke, what construction work had your organization accomplished prior to this time?

Mr. CLARKE. May I ask, do you mean in its entirety or just for the space of—

40. General FRANK. What I am trying to do and the reason for that question is to determine whether or not you had done any work to establish a basis for the reliability of your firm.

Mr. CLARKE. I built Malai Airport road on Maui for a federal aid organization.

41. General FRANK. What is that?

Mr. CLARKE. \$172,000, 7 miles of paved road. And I built the road from Pearl Harbor to Pearl City for \$158,000, also federal aid. I had three projects at Koko Head on this island, each totalling \$40,000, \$45,000 and \$40,000. Those were [3631] all road work.

Then I put in 32 acres of concrete at Hickam Field, that is, all the warming up aprons and the area around the hangars built by Mr. McKee.

I also was a sub-contractor on the Army hangars at Hickam Field for Mr. McKee.

I paved all of the runways at Hickman Field for Tucker McClure. I put in all of the streets at Hickam Field for Tucker McClure.

42. General FRANK. As a sub-contractor?

Mr. CLARKE. As a sub-contractor.

43. General FRANK. Do you know Walter Dillingham?

Mr. CLARKE. Yes, sir.

44. General FRANK. Did you ever do any work for him?

Mr. CLARKE. Oh, yes, I have worked for Mr. Dillingham. In 1927 I put in the concrete for the last 9 miles of road on the Island of Hawaii as a sub-contractor.

45. General FRANK. How did you get along with Mr. Dillingham?

Mr. CLARKE. Very well.

46. General FRANK. Would you work for him now?

Mr. CLARKE. As a sub-contractor, yes, I would. In fact, I at the moment am supplying two of his organizations with crushed rock, the Hawaiian Bitumuls Company and the Hawaiian Hume Concrete Pipe Company.

47. General GRUNERT. Any other questions?

48. Major CLAUSEN. So far as your capacity for supplying rock is concerned, in response to the question of General Frank, what was the capacity in tons per day? About a thousand tons a day?

[3632] Mr. CLARKE. At what time, sir?

49. Major CLAUSEN. During, say, 1941.

Mr. CLARKE. In 1941 my plant, in February, was turning out 600 tons a day.

50. Major CLAUSEN. You had control, did you, Mr. Clarke, of the only large rock deposit on the east side of the city at that time; isn't that right?

Mr. CLARKE. Yes, I did. May I just add to that that on December 7th I was turning out about 1,200 tons a day.

51. Major CLAUSEN. Did you ever attempt work on Bellows Field and get turned down there, too?

Mr. CLARKE. Yes. We offered to do some work on Bellows Field.

52. Major CLAUSEN. What was that incident?

Mr. CLARKE. We had a large rock deposit at Kaneohe, maybe I better say Kuilua. We offered to open that deposit for the United States Engineers, with the idea of supplying rock to Bellows Field and also to take care of the Navy at Mokapu. We received a letter, of which I will give you a copy, from the Engineers, saying they were not interested.

53. Major CLAUSEN. If you will supply those letters we will appreciate it.

That is all I have, sir.

54. General GRUNERT. Any questions?

55. Colonel TOULMIN. No, sir.

56. General GRUNERT. Mr. Clarke, can you think of anything else or recall anything else that you think might be of value to the Board, that you might tell us?

Mr. CLARKE. I don't think so, General.

[3633] 57. Major CLAUSEN. With regard to Colonel Wyman, Mr. Clarke, will you give the Board some instances of his characteristics?

Mr. CLARKE. I had several conferences with him from time to time. Only once during the entire conversations with him was I invited to sit down. He always seemed entirely too arrogant. We wrote numerous letters and offered to cooperate. The fact is, upon Colonel Wyman's arrival in Hawaii, in my usual manner of taking care of previous District Engineers, I wrote him a letter offering him the services of the company and our organization, explained to him our

position in the community, and willingness to cooperate; also explained to him the condition of the rock situation on the island.

He answered the letter—I will give you a copy of it—telling me it was neither feasible—that was the word used—or necessary at this time to give out any information regarding Engineers operations. It kind of left us feeling that we did not amount to very much here.

Thinking he had misunderstood my letter, I wrote him a second letter, apologizing for the first letter, explaining conditions, and received a reply stating that if I would read his first letter it covered the entire subject.

He started out with a chip on his shoulder, which was an awkward condition for us, and of course we immediately took a dislike to him. I still tried to play ball, but was never able to get under his skin. I was never able to do anything for him that he seemed to think was useful. He was always very noisy in his statements to us. He would never make us feel at home, and he would walk up and down behind his desk, and one time he said “When I want the rock I will tell you about it and I will [3634] write the ticket.”

So I left with the idea that we were not needed, and immediately entered into various contracts with the Navy, with the Navy rather than the Army.

58. Major CLAUSEN. How about his predecessor; was that typical of the treatment accorded contractors here by the Engineer, or was his predecessor different?

Mr. CLARKE. His predecessor and all of his predecessors were very different. They were fine people to work for. I worked with his immediate predecessor in putting in all of the concrete for the Aliamanu ammunition dump here on the side of Red Hill. We had very pleasant connections prior to his arrival and subsequent to his leaving with the Engineers, and at the moment we are doing a large business with the Engineers, under very satisfactory conditions.

59. Major CLAUSEN. How about Mr. Rohl; you knew him, did you?

Mr. CLARKE. I have known Mr. Rohl many years.

60. Major CLAUSEN. Tell the Board something of his characteristics that you observed.

Mr. CLARKE. I have known Mr. Rohl since 1935. I have met him several times in Los Angeles on business trips. Mr. Rohl is a good engineer. He understands his business, and I think has for many years been considered in the contracting industry as capable and efficient. He is a hard driver, but he also drinks heavily. He likes to entertain lavishly. I have been of the opinion many times that Mr. Rohl quite thoughtlessly took those he entertained along with him, in that he gets them into jams that it is hard for them to get out of. They accept his entertainment in the proper spirit and then [3635] Rohl seems to try to benefit by it. I think very often people who accept it do so thoughtlessly and find themselves in a little bit of a jam.

Down here I only saw Mr. Rohl three or four times in the time he was here—several months—and he was sober. He used to call my home at night and order materials for the following day, and was very profane over the telephone. It was easy to see that most times he was under the influence of liquor.

61. Major CLAUSEN. You mean, when he was here in Hawaii?

Mr. CLARKE. Yes.

62. Major CLAUSEN. From the way he talked you could tell he was probably obviously drunk?

Mr. CLARKE. Yes. Then I have seen him—I have called on him at the hotel, at the Moana. I have met him at his office and that was his condition. He did not seem particularly inclined to push the work here, and once or twice I went to Mr. Woolley or Mr. Benson with the idea of trying to get work done that I knew had to be done, that Rohl just was not capable of doing, on account of his condition.

63. Major CLAUSEN. That is while he was here in Hawaii?

Mr. CLARKE. Correct.

64. General FRANK. His condition being that of drunkenness?

Mr. CLARKE. Yes. He just made Hawaii one round of good times for Mr. Rohl. There isn't any doubt of that. I am sure others will bear me out on that.

65. Major CLAUSEN. Have you seen Mr. Rohl and Colonel Wyman together in Hawaii?

Mr. CLARKE. Oh, yes.

66. Major CLAUSEN. When they were both drunk?

[3636] Mr. CLARKE. No, I have never seen Colonel Wyman drunk; only Rohl. Of course, Rohl's statement was that he did not consider anyone drunk—and he made this statement in public—until they fell down. So it was just a case of what you consider drunk.

67. Major CLAUSEN. How did he appear to you, to be drunk; what symptoms did he evidence?

Mr. CLARKE. He staggered; he was rather maudlin in his conversation; there was no continuity to his statements; certainly not in his right mind.

68. Major CLAUSEN. I have no further questions.

Mr. CLARKE. I would say a very pitiful condition that that should occur when it did, because I frankly believe that had local contractors and mainland contractors like Mr. McClure and Mr. McKee and some of the others had this work, we would not have been in such a condition as we were when the Japanese attacked Pearl Harbor. We were certainly far less progressed in our work than we should have been.

69. General GRUNERT. Thank you very much.

(The witness was excused, with the usual admonition.)

TESTIMONY OF COLONEL MILLARD PIERSON, INSPECTOR GENERAL'S DEPARTMENT, INSPECTOR GENERAL, PACIFIC OCEAN AREA, APO 958

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization and station?

Colonel PIERSON. Millard Pierson, Colonel, Inspector General's Department, Inspector General, Pacific Ocean Area, APO 958.

2. General GRUNERT. Major Clausen will start the questioning.

[3637] 3. Major CLAUSEN. Colonel, your name was given us as a lead in connection with a situation where a certain report of the Inspector General was supposed to have been suppressed. Are you

acquainted with a Captain King, formerly of the Judge Advocate General's Department on the island?

Colonel PIERSON. We had two Captains King here. I presume the once you refer to is Captain William A. C. King?

4. Major CLAUSEN. Yes.

Colonel PIERSON. I recall him. I knew him slightly.

5. Major CLAUSEN. I am pretty sure that the name given us was one with about three initials. That probably was the one. I talked to you some days ago and suggested you search your memory and the records for information concerning that incident. Would you tell the Board what you found and what you can recollect, Colonel?

Colonel PIERSON. You asked me at the time if I recalled an investigation or an opinion of the Hawaiian Constructors made by me which was suppressed. None of my reports has ever been suppressed. To my knowledge, I have never inspected the Hawaiian Constructors, nor did I ever personally conduct an investigation in which the Hawaiian Constructors was involved.

6. Major CLAUSEN. How about Colonel Wyman or Hans Wilhelm Rohl?

Colonel PIERSON. I never met Mr. Rohl. I met Colonel Wyman the day after I arrived here, on the 15th of February, 1942. I have never made any inspections, nor had I conducted any investigation of either Mr. Rohl or Colonel Wyman.

7. Major CLAUSEN. Were inspections of these individuals or the Hawaiian Constructors made under your direction and supervision, Colonel?

Colonel PIERSON. Colonel Wyman left here, as I recall, in the latter part of March, 1942. I took over the duties of Department Inspector General on the 20th of March, 1943. I arrived here on the 15th of February, 1942. At that time I was the fourth ranking officer in the office.

8. Major CLAUSEN. With regard to this Captain King, what can you recall regarding any instance concerning Captain King in relation to any inspections of the individuals in question and the Hawaiian Constructors?

Colonel PIERSON. No more than informal conversations. When he was on his way to the mess he would stop me on the street and we would discuss many matters. I might add here that the subject of the Engineer and the Hawaiian Constructors, as I recall, was the talk of the entire island. Now, what the nature of our discussions, or what we talked about in relation to the Hawaiian Constructors and the Engineer I am sorry I do not recall. It has been so long ago now and there has been so much taking place around here that I just do not feel that I could qualify to state just what my conversation with him was.

9. Major CLAUSEN. What was the trend of this conversation, Colonel?

Colonel PIERSON. The inefficiency, as I recall it, of the Hawaiian Constructors and the District Engineer's office.

10. Major CLAUSEN. That is all.

11. General GRUNERT. Any more questions?

Is there anything that you can add to give the Board anything of value on which to reach a conclusion, anything else that is in your mind?

[3639-3640] Colonel PIERSON. I don't know what the Board is looking into, General.

12. General GRUNERT. This Board was appointed to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on the 7th of December, 1941, and, in addition thereto, to consider the phases which related to the Pearl Harbor disaster of the report of the House Military Affairs Committee. Is there anything on those two subjects that you think of that you would like to tell the Board, which you think would be of value to the Board?

Colonel PIERSON. I regret, General, I have no such information.

13. General GRUNERT. All right, thank you, Colonel.

(The witness was excused, with the usual admonition.)

(The following was dictated by Colonel Toulmin, Friday, September 15, 1944, at 10:30 a. m.):

General Bragdon called me at about 10:25 and stated that he wished to inquire as to exactly what was the information that we wanted, based upon the questions I asked Colonel Wyman, as to the responsibility for the delays, based upon Colonel Wyman's statement that the delays that occurred were due to two causes; first, the restrictions and regulations and difficulties he had with the Division Engineer and the Chief of Engineers, and, second, as to the difficulties he had in getting coordination in the complicated system existing under General Short's administration.

I told him that the Board was utterly impartial as to Colonel Wyman and had authorized the asking of such questions for the purpose of bringing out Colonel Wyman's point of view as to what he thought was responsible for the delay, as that was a matter in issue in which he was concerned, and that any facts in particular that they could produce as to the approvals necessary on the mainland and by whom and under what regulations [3641] and conditions would of course throw light on the subject matter, and that as to the local coordination if he mentioned some typical specimens of the coordination necessary and then summarized the various types of coordination necessary under General Short's organization it would probably give the Board a complete statement of the facts; that the Board was interested in facts of any kind that would be pertinent and have a bearing on Colonel Wyman's activities, either in defense of him or otherwise.

After I made the statement I asked General Bragdon if this was clear to him and was satisfactory to his understanding, and he said it was and that he would so proceed and submit the statement.

[3642] **TESTIMONY OF FREDERICK M. EARLE, WARRANT OFFICER, JUNIOR GRADE, UNITED STATES ARMY**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Earle, will you please state to the Board your name, rank, organization, and station?

Mr. EARLE. Frederick M. Earle, Warrant Officer, Junior Grade, U. S. A.

2. Colonel WEST. You are stationed at POA Headquarters?

Mr. EARLE. I am. We do work for both. We publish both, POA and Base Command.

3. General RUSSELL. Mr. Earle, what were your duties in November and December of 1941?

Mr. EARLE. Distribution clerk.

4. General RUSSELL. In the Headquarters of the Hawaiian Department?

Mr. EARLE. Adjutant General's Department.

5. General RUSSELL. As such clerk were part of your duties to see to the distribution of forms which were published by the Hawaiian Department?

Mr. EARLE. Unclassified, yes, sir.

6. General RUSSELL. Unclassified. Have you before you now a record from the Headquarters of the Hawaiian Department showing the distribution of what is known as SOP Hawaiian Department, distributed as of November 5, 1941?

Mr. EARLE. Yes, sir.

7. General RUSSELL. Will you state into the record what that distribution was?

Mr. EARLE. Distribution B, L, and G, less 1, 2, 3, 5.

[3643] 8. General RUSSELL. Did that include the War Department?

Mr. EARLE. No, sir, it did not.

9. General RUSSELL. Then, according to those records, copies of SOP of November 5, 1941, were not sent to the War Department?

Mr. EARLE. Not from the Adjutant General's Office, no, sir.

10. General RUSSELL. That is all.

11. General GRUNERT. Any questions? (No response.)

Thank you for coming down.

(The witness was excused, with the usual admonition.)

12. General RUSSELL. I want to tender in evidence two maps which were identified by Mr. Shivers, formerly of the F. B. I., which he identified and described to the Board. They purport to be copies of Map No. 1 and Map No. 2, purporting to have been captured from a Japanese submarine on or about the 7th day of December, 1941.

(Copy of Map No. 1, captured from Japanese submarine, was marked Exhibit No. 48 and received in evidence.)

(Copy of Map No. 2, captured from Japanese submarine, was marked Exhibit No. 49 and received in evidence.)

13. General RUSSELL. I want to tender in evidence a memorandum, 7th of September, 1944, from Lieutenant General Grunert, President of the Army Pearl Harbor Board, to the Commanding General, USAFPOA, "Subject: Documentary evidence," and the 1st indorsement to said letter, dated 13th September 1944.

(Memorandum dated September 7, 1944, from Lt. Gen. Grunert to the Commanding General, USAFPOA, was marked Exhibit No. 50 and received in evidence.)

[3644] (1st indorsement, dated September 13, 1944, to memorandum marked Exhibit 50, was marked Exhibit No. 50-A and received in evidence.)

TESTIMONY OF ARTHUR T. SHORT, PLEASANTON HOTEL, HONOLULU, T. H.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Short, will you please state to the Board your name and address?

Mr. SHORT. Arthur T. Short, Pleasanton Hotel.

2. Colonel WEST. What is your occupation, Mr. Short?

Mr. SHORT. I am manager of the hotel.

3. General GRUNERT. Mr. Short, I will ask General Frank, assisted by Major Clausen, to develop this particular part of our investigation.

Mr. SHORT. All right, sir.

4. General GRUNERT. General Frank.

5. General FRANK. How long have you been manager of the Pleasanton Hotel, Mr. Short?

Mr. SHORT. About 11 years.

6. General FRANK. You were manager of this hotel in 1941?

Mr. SHORT. Yes, sir.

7. General FRANK. And when it was taken over by the Engineer Corps?

Mr. SHORT. I was manager at that time.

8. General FRANK. Did you continue as manager while the Engineer Corps had it?

Mr. SHORT. No. They took it away from us on, I think it was, the 14th of December. I think that was it.

[3645] General FRANK. What year?

Mr. SHORT. No. It was about the first of January.

10. General FRANK. What year?

Mr. SHORT. '42.

11. General FRANK. Yes.

Mr. SHORT. Colonel Wyman was there then, and he told me to stay there until they got somebody to take it over, and I stayed there until the 15th of January, under the military.

12. General FRANK. 15th of January, 1942?

Mr. SHORT. '42, yes.

13. General FRANK. From when? When did they take it over?

Mr. SHORT. They took it over, I think it was about the—well, they took it over on the 15th, the night of the 14th. 15th of January is when they took it over.

14. General FRANK. They took it over the 14th of January, 1942?

Mr. SHORT. Of January. That's when they came in.

15. General FRANK. In 1942?

Mr. SHORT. Nineteen forty—the blitz was what? '41?

16. General FRANK. Yes.

Mr. SHORT. Well, it was '41.

17. General FRANK. Well, they took it—

Mr. SHORT. No. It was December that the blitz was. December '41. Yes, it was '42.

18. General FRANK. They didn't take it over until after the blitz?

Mr. SHORT. No. Until after the 1st, no.

19. General FRANK. All right. Go ahead.

20. Major CLAUSEN. Mr. Short, you were acquainted with a Hans Wilhelm Rohl?

[3646] Mr. SHORT. Very slightly. I talked to him probably once or twice. He and Colonel Wyman were always together when they—but they had very little to say. They had a man by the name of Dykes that did all the work, that is, about the stuff.

21. General FRANK. Made arrangements with you?

Mr. SHORT. Yes.

22. Major CLAUSEN. You say Mr. Rohl and Colonel Wyman were always together?

Mr. SHORT. They were always together.

23. Major CLAUSEN. Yes. Now, this Pleasanton Hotel, Mr. Short, is right directly across from the Punahou campus?

Mr. SHORT. Yes, sir.

24. Major CLAUSEN. The Punahou school; is that correct?

Mr. SHORT. Yes.

25. Major CLAUSEN. And that is where the United States Engineers had the offices?

Mr. SHORT. Yes, they have that. Yes, sir.

26. Major CLAUSEN. Do you remember that Mr. Rohl had offices in the Pleasanton Hotel on the first floor and that he occupied two rooms on the second floor?

Mr. SHORT. Well, you mean the first bedroom floor?

27. Major CLAUSEN. Yes, sir.

Mr. SHORT. Yes. I don't know how many rooms he had himself. I think he had two, and Colonel Robinsons had a room or so, and Colonel——

28. Major CLAUSEN. Wyman?

Mr. SHORT. Wyman.

29. Major CLAUSEN. In other words, Colonel Wyman, Colonel Robinson, and Hans Wilhelm Rohl had bedrooms on the same floor?

[3647] Mr. SHORT. On the second floor.

30. Major CLAUSEN. Second floor?

Mr. SHORT. That was the bedroom. The other was the office floor.

31. Major CLAUSEN. As a matter of fact, you have already been interviewed by the Federal Bureau of Investigation, haven't you?

Mr. SHORT. Yes.

32. Major CLAUSEN. And you know that Mr. Rohl did a lot of drinking while living at the Pleasanton Hotel?

Mr. SHORT. Well, I know that he had the reputation for that, but I don't know personally, because by the time that he had moved in there he had taken over, with his outfit, the chef from the Royal Hawaiian Hotel to run the place, and I stepped out. I kept the apartments and stepped out from the—on the—I think I had ten days in there with him before they put the other man in.

33. Major CLAUSEN. And you had knowledge, Mr. Short, as to the reputation that Mr. Rohl had for this heavy drinking, based on what?

Mr. SHORT. It was based on just hearsay from the people in the hotel. That is, the manager's wife of the hotel was particularly active, and the cooks were all. You see, my house is right next to the office and the kitchen there.

34. Major CLAUSEN. And what would they tell you about that subject, Mr. Short?

Mr. SHORT. Well, just simply the parties that they had up there, and things like that.

35. Major CLAUSEN. Parties up where, Mr. Short?

[3648] Mr. SHORT. Up in the second floor.

36. Major CLAUSEN. And you say "they had." Who would be that?

Mr. SHORT. What?

37. Major CLAUSEN. I say, whom do you mean by "they"? Will you speak out real loud for the reporter to hear?

Mr. SHORT. I am speaking now of Mr. Rohl's party.

38. Major CLAUSEN. Yes, sir.

Mr. SHORT. I don't know who was in it altogether.

39. Major CLAUSEN. And what would they do on those parties, Mr. Short?

Mr. SHORT. Well, just that they had more parties up there, dancing and drunks, and that is all. Don't you know, they would laugh about it.

40. Major CLAUSEN. I believe you mentioned the chef from the Royal Hawaiian Hotel.

Mr. SHORT. Kina. He is now in charge of the Willard Inn Officers' Club. He and his wife are there.

41. Major CLAUSEN. I have no further questions, General.

42. General GRUNERT. Mr. Short, do you think of anything else that you think would be of value to the Board? If so, we would like to have you tell us now.

Mr. SHORT. No, I don't know; other than the way they came in and took the thing over, and this fellow Dykes was the head of it and threw all, practically—the first day they tore the whole thing to pieces and threw all our furniture from upstairs that was good enough for generals and admirals, and things—threw it all out of the windows and brought furniture from the Royal Hawaiian Hotel that they had borrowed. It was just thrown [3649] out.

43. General GRUNERT. Was this the contractors' bunch or the Engineers?

Mr. SHORT. Well, I don't know. I think it was—while the Engineers had it. The Engineers had it, I think, for about ten days before Rohl Constructors took it over.

44. General GRUNERT. Well, let's see. Then the Engineers took it over about January 14 of '42, and then the things that you told the Board happened after they took it over?

Mr. SHORT. After they had taken it over, yes.

45. General GRUNERT. Are there any other questions?

46. General RUSSELL. Yes.

Was that a literal statement that you made, Mr. Short, that they threw the furniture out of the windows?

Mr. SHORT. Yes, they threw it out, the beds out. They had about thirty or forty—

47. General RUSSELL. Did they take them downstairs and throw them out in the yard, or throw them out through the window?

Mr. SHORT. Well, some of them went right through the window, the small things they got out, got stuff out. Everybody was laughing about it, the baggage, and people—you see, they gave me about 14 days to move about 150 people out of the hotel. "Colonel Wyman," I said, "how many—how long a time are you going to give me to move these guests that we have here?"

He said, "Move. Give you until the 15th." The 15th we had to have everybody out of there. We had Admiral Bagley and his family and wife and a bunch of prominent officers, captains and things in there; probably more Navy people in [3650] there than anything else.

48. General GRUNERT. Can you ascribe any reason for their throwing stuff out of the windows instead of carrying it downstairs?

Mr. SHORT. No. I think they probably thought it would look better to get the Royal Hawaiian furniture in there.

49. General GRUNERT. But that didn't account for their throwing it out of the window instead of carrying it downstairs.

Mr. SHORT. No. It was just that they had a bunch of youngsters there under this man Dykes, and they just—things went. I think that was the testimony I gave to the F. B. I., too, that they were throwing stuff out.

50. General GRUNERT. All right, sir. Thank you very much for coming up.

Mr. SHORT. All right, sir. Thank you.

(The witness was excused, with the usual admonition.)

TESTIMONY OF LT. COL. ROBERT W. HAIN, GENERAL STAFF, HEAD-QUARTERS U. S. A. F. P. O. A., FORT SHAFTER, T. H.—Recalled

1. General RUSSELL. Colonel Hain, we are recalling you, and you remain under oath. That is, you are still under oath, and all the cautions that were given you the other day continue to apply to this testimony.

Colonel HAIN. I see.

2. General RUSSELL. I am going to show you Adjutant General's file, Hawaiian Department, 121.2, call your attention to a letter in that file which you have shown to me, dated 28th of July, 1941, and ask you to read that letter into the record.

[3651] Colonel HAIN. This is a letter, "Headquarters Hawaiian Department, Office of the Department Commander, Fort Shafter, T. H.," dated 28 July 1941:

(Letter dated July 28, 1941, from Lt. Gen. Short to the Adjutant General, Washington, D. C., is as follows:)

Subject: Reallocation of Special Field Exercise Funds for Field Fortification and Camouflage Projects.

To: The Adjutant General, Washington, D. C.

1. Special Field Exercise Funds are now available for use in this Department as follows:

a. Carried over from fiscal year 1941-----	\$32, 437. 15
b. Recently allotted by War Department for combat training, small units, under P/A FD 1562 P 31-99 A 0310-2-----	133, 000. 00
c. Recently allotted by War Department for Department Maneuvers under P/A FD 1562 P5-99 A 0310-2-----	22, 165. 00

2. Under restrictions imposed by War Department letter, 16 April 1941, File AG 353 (4-7-41) M-C-M, subject "Special Field Exercise Funds", it has become increasingly difficult to expend these funds for the purpose intended. Under the special conditions existing in this Department, large sums are not required for rental of camp sites, trespass rights and additional tactical gasoline and lubricants. Training is necessarily restricted to well defined defensive areas of relatively limited extent.

3. In this connection, considerable sums are required for field fortification and camouflage materials. The War Department has granted authority [3652] to lease numerous small areas of unimproved land tactically located for beach and land defense purposes. These leases have been acquired and construction of field fortifications has been initiated. However, a minimum of \$100,000.00 is needed for the purchase of materials for revetment of trenches, construction of gun positions, machine gun emplacements, etc. An additional \$10,000.00 are required for the purchase of a trench-digging machine and other tools. Likewise, \$15,000.00 are required for purchase of camouflage materials.

4. Therefore it is requested that one hundred and twenty-five thousand dollars (\$125,000.00) from the one hundred sixty-five thousand four hundred thirty-seven dollars and fifteen cents (\$165,437.15) available under paragraph 1 a

and b, above, be reallocated to this Department under procurement authority purpose numbers which will permit the use of these funds for procurement of fortification and camouflage materials, including ten thousand dollars (\$10,000.00) for power equipment.

5. Request reply by priority radio.

WALTER C. SHORT,
Lieutenant General, U. S. Army, Commanding.

3. General RUSSELL. Do your records show what was done by the War Department to this request of General Short for those funds?

Colonel HAIN. Yes, sir. The next paper appearing on [3653] this is a confidential radiogram headed:

(Excerpts from Adjutant General's File 121, Headquarters Hawaiian Department, are as follows:)

10 WAR TG 61 WD

Washn DC 252P Aug 12 1941

CG Haw Dept Ft Shafter TH

31 12th

AGMC reurlet July twenty eighth AG one two one point two subject reallocation of special field exercise funds for field fortification and camouflage projects Stop Special field exercise funds are not available for purpose requested further information follows by mail

ADAMS.
1017A.

4. General RUSSELL. Have you got that letter that was referred to in the telegram in your file, that radiogram in your files?

Colonel HAIN. Yes, sir. I have the letter:

WAR DEPARTMENT
THE ADJUTANT GENERAL'S OFFICE
WASHINGTON

File "AG 353 (7-2S-41) MC-D

ESA/LFL/gjw-1712
AUGUST 13, 1941.

Subject: Reallocation of Special Field Exercise Funds for Field Fortification and Camouflage Projects.

To: Commanding General, Hawaiian Department

1. The use of Special Field Exercise Funds for costs incident to the Hawaiian Defense Project [3654] is contrary to War Department intentions that the expenditure of such funds be limited strictly to training purposes and is therefore not favorably considered. Essential requirements for field fortifications are properly chargeable to other available funds in an appropriated and allotted status. Special allotment of such funds cannot be made at present for the Hawaiian Department for purpose requested in letter, your headquarters, July 28, 1941, AG 121.2, subject as above, in view of other priorities.

2. The War Department is taking definite action to secure additional supplies and funds for Engineer operations in the field by task forces and for other emergency projects. Further information will be furnished you when these become available.

3. In view of the contents of paragraph 2, letter referred to above, which indicates that Special Field Exercise funds now in an allotted status to the Hawaiian Department are in excess of actual training requirements, report is desired showing the amount available for withdrawal for urgent training requirements elsewhere. The interest of the Hawaiian Department in providing the field fortifications mentioned in letter referred to above, is appreciated by the War Department and a favorable reply is precluded only by other urgent requirements.

By order of the Secretary of War:

/s/ E. S. ADAMS.
Major General,
The Adjutant General.

[3655] I have the first indorsement to the letter which I just read:

HEADQUARTERS HAWAIIAN DEPARTMENT,
FT. SHAFTER, T.H.

To: The Adjutant General, Washington, D. C.

1. In accordance with the provisions of paragraph 3, basic letter, report is hereby submitted that the sum of forty thousand dollars (\$40,000.00) of Special Field Exercise Funds allotted to this Department under P/A FD 1562 P 31-99 A 0310-2 may be withdrawn.

2. With reference to paragraph 1, basic letter, attention is again invited to statements contained in paragraphs 3 and 4 of letter from this Headquarters 28 July 1941, AG 121.2, subject same as basic letter. In this connection, the War Department in classified radiograms Nos. 823-21 May and 838-29 May 1941, provided funds for the acquisition by lease of various small parcels of land on which field fortifications could be constructed. These leases have been acquired and the work of construction of field fortifications has been advanced as far as practicable with salvaged and other materials available locally. This work is now stalemated because of lack of funds to purchase necessary materials and tools. As previously stated, the sum of \$100,000.00 is required for the purchase of materials for revetment of trenches, construction of gun positions, machine gun emplacements, etc. An additional \$10,000.00 [3636] is required for purchase of a trench digging machine and other tools. Also, \$15,000.00 is required for purchase of camouflage material.

3. I feel that the importance of this work is such as to justify an immediate allotment of \$125,000.00 for this purpose.

/s/ Walter C. Short,
WALTER C. SHORT,
Lt. General, U. S. Army,
Commanding.

5. General RUSSELL. Colonel, apparently a couple of radiograms intervened before the War Department replied to General Short's indorsement. In order to develop it chronologically, can you find the radiogram from the Hawaiian Department to the War Department, No. 403, dated September 25, '41?

Colonel HAIN. I have a confidential radiogram from Headquarters Hawaiian Department, No. 403—25th September, to:

The ADJUTANT GENERAL,
Washington, D. C.:

Reference your letter AG three five three paren seven dash two eight dash forty one paren MC dash D comma thirteen August forty one subject reallocation of special field exercise fund for field fortification and camouflage projects comma and my first indorsement thereto fourteen September Stop Strongly urge immediate favorable action on my request for one hundred twenty five thousand dollars for purchase of necessary materials and tools for execution of field fortifications [3657] and camouflage projects as requested in my first indorsement fourteen September Stop This work is now at a standstill pending receipt of funds for essential materials Stop Request radio advice of action taken.

Signed "Short."

6. General RUSSELL. Now, have you a reply to this radiogram which we have just read, from the War Department to General Short?

Colonel HAIN. I have a confidential radiogram.

7. General RUSSELL. Numbered 173?

Colonel HAIN. It is headed:

72 WAR

Washn DC 647P Sept 29 1941
CG Hawn Dept Ft Shafter TH.

172 twenty ninth Your request for immediate allotment one hundred twenty five thousand dollars for materials for field fortifications is not repeat not favorably considered reurad four naught three Stop More complete information mailed you in reply to your first indorsement on subject.

ADAMS,
310P.

8. General RUSSELL. Have you another indorsement to this basic letter, and will you read that, please?

Colonel HAIN. I have the second indorsement to the basic.

WAR DEPARTMENT, A. G. O.,
September 26, 1941.

To: Commanding General, Hawaiian Department.

[3658] 1. Action is being taken by the War Department to withdraw the sum of \$40,000 of Special Field Exercise Funds allotted to your Department under P/A FD 1562 P 31-99 A0310—. The cooperation extended in this matter by you, has been of material assistance in the conduct of the present Army field exercises.

2. In reference to Pars 2 and 3 of 1st Indorsement, it is necessary for the War Department to restrict allotments for "Engineer Operations in the Field" to the most urgent priorities at this time. You will be informed of any change which will make additional supplies and funds available for the purpose requested.

By order of the Secretary of War:

/s/ E. S. ADAMS,
Major General,
The Adjutant General.

9. General RUSSELL. That apparently concludes the correspondence and the radiograms between the War Department and the Hawaiian Department touching the subjects which have been discussed.

Colonel HAIN. Yes, sir.

10. General RUSSELL. Colonel, do you have in the same file a couple of radiograms between the Hawaiian Department and the War Department in November of '41 relating to field fortifications, camouflage, and so forth? If so, will you please read those?

Colonel HAIN. I have one, a copy of a radio telegram [3659] No. 660—28th October, from this headquarters to the Adjutant General, Washington, D. C.

11. General RUSSELL. What year was it?

Colonel HAIN. 1941. Quote:

Project letter being submitted requesting one million four hundred fifty five thousand five hundred forty two dollars for materials for field fortification works and camouflage Stop This is total requirement for structures to be erected by troops for field defense works in this department. Geological formation this island such as to require revetment materials x Local materials have proven unsuitable and works already completed within past six months have deteriorated to the point where reconstruction is necessary Stop Projects so extensive and requirements of material and manpower are so great that this work should be undertaken immediately Stop Recommend that funds in the amount of five hundred thousand dollars be made available immediately and remainder included in an early emergency appropriation bill

SHORT.

12. General RUSSELL. Was there a reply to this radiogram from the War Department? If so, please read that.

Colonel HAIN. I have a copy of the reply, headed:

74 WAR.

Washn DC November 4, 1941.
CG Hawaiian Department.
347 Fourth.

[3660] Necessary for War Department reurad six six naught to restrict allotments for engineer operations in field to most urgent priorities at this time Stop You will be informed of any change which will make any additional supplies and funds in this category available to you for purpose requested

ADAMS.

13. General RUSSELL. Have you a radiogram from the War Department touching this subject of the expenditure of funds, on the 7th of December?

Colonel HAIN. Yes, sir; I have a copy of secret radiogram headed:

23 WAR.

Wash DC 7:00 P Dec 7 1941.

CG Hawn Dept.

531—7th You are authorized to incur all obligations necessary to meet urgent requirements of situation. Maintain record of over obligations so incurred.

ADAMS.

6:37P/7.

14. General RUSSELL. Colonel, I want to ask you if in reply to the memorandum which we furnished you, heretofore, and conferences that have been held between you and me since that time—if you have gotten from the files of the Hawaiian Department all documents and data along the lines which were described in that letter and which have been subsequently described in my oral talks with you.

Colonel HAIN. I did not find all of the documents which [3661] you requested in the basic letter.

15. General RUSSELL. You have indorsed that basic letter back to the Board, however, in which you have detailed all those documents requested by us which you did not find; is that true?

Colonel HAIN. That is correct, sir.

16. General RUSSELL. Colonel, I will repeat the question, therefore: that you have made available to the Board all of the records that you were able to find in the Adjutant General's office of the Hawaiian Department along the lines described in that memorandum and in my subsequent oral talks with you.

Colonel HAIN. Yes, sir; I have made available all records which had any bearing on the subject which I was requested to locate.

17. General RUSSELL. So far as I know, that completes a search of the records of the Adjutant General's department, a selection of the material which was submitted to me, and its introduction before the Board.

18. General GRUNERT. All right. The witness may then be excused.

19. General RUSSELL. You may be excused. Thank you for your help, Colonel.

(The witness was excused, with the usual admonition.)

20. General RUSSELL. I will offer in evidence or introduce into evidence a memorandum dated 12 September 1941, confidential in its nature, on the stationery of the United States Pacific Fleet, Pacific Ocean Areas. This memorandum is signed by McMorris (I believe it is C. H.; we will have to check that), [3662] Rear Admiral, United States Navy, Chief of Joint Staff; and over the signature is, in handwriting, the language, "The foregoing supplements my testimony given on 11th September."

The subject of the memorandum is the Japanese task force that attacked Pearl Harbor, summary of information concerning, derived from prisoners of war and captured documents.

Attached to this memorandum is a map of the part of the Pacific area which purports to show a track of Japanese aircraft carriers from November '41 through April '42, reproduced from Japanese map of Pacific area, taken at New Georgia, early July, 1943.

I ask that these documents be marked exhibit next in order.

21. Colonel TOULMIN. That is going to be Exhibit No. 51.

(Memorandum of September 12, 1944, by Admiral McMorris, with map attached, was marked Exhibit No. 51 and received in evidence.)

[3663] **TESTIMONY OF COLONEL BENJAMIN R. WIMER, CORPS OF ENGINEERS, ENGINEER CENTRAL PACIFIC BASE COMMAND, APO 958**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization and station.

Colonel WIMER. Colonel Benjamin R. Wimer, Colonel, Corps of Engineers, Engineer Central Pacific Base Command, stationed at APO 958.

2. General GRUNERT. Colonel, I will turn you over to General Frank, assisted by Major Clausen, to develop this particular part of our investigation.

3. General FRANK. How long have you been out here, Colonel?

Colonel WIMER. I arrived on the 10th of January, 1942.

4. General FRANK. 1942?

Colonel WIMER. The 10th of January, 1942, yes, sir.

5. General FRANK. On what duty were you in 1941?

Colonel WIMER. In 1941, up to the 24th of November, I was assistant District Engineer in Galveston.

6. General FRANK. When you arrived here in 1942, what were your duties?

Colonel WIMER. I arrived here as the executive officer of the 47th Engineers, and remained on that job until the 1st of February, 1942, at which time I became Assistant Department Engineer under Colonel Lyman.

7. General FRANK. The 47th Engineers was the engineer regiment at Schofield?

Colonel WIMER. No, sir. The 47th Engineers was a general service regiment that I came out here with on the 10th of [3664] January.

8. General FRANK. What is your job now?

Colonel WIMER. I have three jobs. I am the District Engineer of the Honolulu Engineer District; I am Engineer of the Central Pacific Command, and I am in command of the construction service.

9. Major CLAUSEN. I have only a few questions which relate to the records, Colonel. I would like to get all copies in your office of letters or communications of any kind that were exchanged between Colonel Wyman and Mr. Rohl, and Mr. Rohl and Colonel Wyman, back and forth, in the year 1941. I asked the other day Major Lozier to get those copies for me, and he said he would get them, but as yet I have not received them.

Colonel WIMER. I will do that.

10. Major CLAUSEN. One other thing. I was in Washington talking with Mr. McKay and we discussed the preparation of a map in the local office here indicating the construction work. Yesterday I returned to the office here and found some maps on the desk. I don't know whether those are the maps you sent over or not.

Colonel WIMER. Major Lozier probably brought them over. I have been trying to have him be the only contact on that thing, to avoid confusion.

11. Major CLAUSEN. If Major Lozier will indicate to me that those are the maps, then I will know that it is a fact.

Colonel WIMER. The request for maps of all of the construction projects was more than we could handle in the time that was called for, but we did pick out the critical matters, [3665] the airfields, the gasoline, AWS and the large installations, because there were about 1,500 different jobs involved.

12. Major CLAUSEN. I might offer a suggestion, since we are pressed for time; that if Major Lozier would be here tomorrow morning at 8 o'clock I will meet him here and he at that time could bring over the copies of those communications and also explain to me just what maps he apparently has already brought here.

Now, certain items of information were also requested by the Board of different people, but it might be that some of the things that we have asked for have been brought here, but this was what I was particularly interested in; I have completed, sir.

13. General GRUNERT. Are there any questions? If not, then apparently this witness is just on the question of getting some records.

14. Major CLAUSEN. This was suggested by the Office of the Chief of Engineers, sir.

15. General GRUNERT. Have you any information that you would like to give the Board that may be pertinent to the issue?

Colonel WIMER. No, sir, I have no personal knowledge of anything of concern to the Board.

16. General GRUNERT. Thank you very much.

(The witness was excused, with the usual admonition.)

(Thereupon, at 11:40 a. m., the Board, having concluded the hearing of witnesses for the morning, took up the consideration of other business.)

[3666]

AFTERNOON SESSION

At 1 p. m., the Board reconvened and proceeded further with the hearing of witnesses, as follows:)

General GRUNERT. The Board will come to order.

TESTIMONY OF LT. COL. J. J. KESTLY, CORPS OF ENGINEERS; ENGINEER, BASE COMMAND

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station.

Colonel KESTLY. J. J. Kestly; Lieutenant Colonel, Corps of Engineers; Engineer, Base Command.

2. General GRUNERT. Colonel, General Frank will conduct this particular part of our investigation, so I will turn you over to General Frank, assisted by Major Clausen.

3. General FRANK. Colonel Kestley, on what duty were you, in 1941?

Colonel KESTLY. I was area engineer, of field area 3, with my headquarters at Wheeler Field.

4. General FRANK. Did you have charge of the 9,000-foot access road from Kolekole Pass over to the cableway at Mt. Kaala?

Colonel KESTLY. Yes, sir.

5. General FRANK. That was started on the 6th of March, was it not?

Colonel KESTLY. Yes, sir.

6. General FRANK. Do you know whether or not it was completed on time?

Colonel KESTLY. Well, it was usable. That is, I mean usable—it wasn't paved, but you could use the road, during [3667] September. We started work on the cableway at that time.

7. General FRANK. Do you mean to say that it took from March until September to build 9,000 feet of road?

Colonel KESTLY. Yes, sir.

8. General FRANK. Why?

Colonel KESTLY. Well, because of the amount of yardage. It was fairly heavy construction, and with the equipment that we had available and the personnel we had available, operating on the one shift; also, there were considerable heavy culverts which had to be constructed of reinforced concrete.

9. General FRANK. It was only two miles in length?

Colonel KESTLY. Yes, sir.

10. General FRANK. And yet it took six months? What was your opinion of the progress of the work?

Colonel KESTLY. Fair, considering the weather and the culverts. You know, you had to put the culverts in before you could put the fill in.

11. General FRANK. Yes.

Colonel KESTLY. And there were quite a few of those, and they were fairly large. That all took time. That is hand work. We had to get the aggregate in, reenforcing steel; we had to build temporary roads to do that. We had to mix concrete with a small mixer which we were able to get in there. It is a pretty rainy section of the island. We were hampered a lot by mud and rain.

12. General FRANK. This contract was being carried by Hawaiian Constructors?

Colonel KESTLY. Yes, sir.

13. General FRANK. Do you think they did a pretty good piece [3668] of work, or were their delays in there excessive?

Colonel KESTLY. Considering the personnel, I don't think we had the superintendents and the foremen and the laborers and the reenforcing steel men; we didn't have the best, we couldn't get them.

14. General FRANK. But the Government was paying for a first-class job, was it not?

Colonel KESTLY. Yes, sir.

15. General FRANK. What kind of work was it getting, "considering the personnel," to use your own words?

Colonel KESTLY. Fair.

16. General FRANK. Is "fair" a second-rate, third-rate, or a fourth-rate job, or what?

Colonel KESTLY. Well, I would say excellent, good, and fair.

17. General FRANK. This would be a third-rate job?

Colonel KESTLY. Well, the job itself, General, as completed, was a good job. The progress is what I am saying was poor, considering the personnel and the equipment that we had on hand at that time.

18. General FRANK. Then so far as the amount that it cost the Government is concerned, you feel that as a result of its being only a fair job, the cost was excessive, because of the length of time that it took, is that correct?

Colonel KESTLY. Well, I don't know that that affected the actual cost, as they were paid on an estimated cost, weren't they? That is as I understood it.

19. General FRANK. It was on a cost-plus-fixed-fee basis.

Colonel KESTLY. Yes; of which the cost was estimated and set, wasn't it? That is the way I always understood that a job was estimated, and, if it cost more than that, why it was their loss.

20. General FRANK. No.

[3669] Colonel KESTLY. It wasn't? I always understood that.

21. General FRANK. It is actually cost-plus-fixed-fee; therefore, if it took an excessive length of time, it cost the Government an excessive amount of money?

Colonel KESTLY. It cost it more than if we had had first-class personnel and plenty of equipment; yes, sir.

22. General FRANK. Yes.

Colonel KESTLY. And plenty of personnel; which we didn't have.

23. General FRANK. Were you the engineer on the cableway?

Colonel KESTLY. Yes, sir.

24. General FRANK. That was held up through lack of equipment, wasn't it?

Colonel KESTLY. Well, the materials for the cableway; yes, sir—the towers and so forth.

25. General FRANK. Was the camp ever built on the top of Kaala?

Colonel KESTLY. Not while I was there, General. There was the underground work that was built while I was there.

26. General FRANK. That was finished?

Colonel KESTLY. It was finished, but later, due to a change in the type of equipment, why, I understood—I wasn't there on the change, but it was changed to a certain extent.

27. General FRANK. How much opportunity did you have to observe the work of the Hawaiian Constructors?

Colonel KESTLY. Well, I was there seven days a week, 10 or 12 hours a day, and I was out in the field a great deal.

28. General FRANK. What other contractors in the Hawaiian Department had you been able to observe?

[3670] Colonel KESTLY. Well, none, sir, that I had had a chance to observe.

29. General FRANK. Where did you come from?

Colonel KESTLY. California and Oregon.

30. General FRANK. When did you come to the Hawaiian Islands?

Colonel KESTLY. December 1939.

31. General FRANK. The Hawaiian Constructors were not operating in December 1939? They did not come on the job until December 1940.

Colonel KESTLY. Yes, sir. I was stationed at Midway for a year and two days, and I returned here and was area engineer on the 5th of February 1941.

32. General FRANK. And that was on the Hawaiian Constructors' contract?

Colonel KESTLEY. Yes, sir.

33. General FRANK. Who was the contractor at Midway?

Colonel KESTLEY. We did our own work, the United States Engineers.

34. General FRANK. They did their own work?

Colonel KESTLEY. Yes, sir.

35. General FRANK. What was the relative efficiency between the work at Midway and that done by the Hawaiian Constructors?

Colonel KESTLEY. Due to the class of personnel I got at Midway, it wasn't any better than it was here.

36. General FRANK. It was not satisfactory, then, according to good standards?

Colonel KESTLY. That is right. I would not consider it so. It was because of the class they would send from the mainland. They would send 60 or 70 or 80 or 90 men, and out of that many we would probably get 25 that were what you [3671] would consider good mechanics or laborers, or whatever you needed. The rest of them, some of them I would feel like shipping them back on the same boat; but we had to put up with those things. That is, I had to, any way, because that is all I got.

37. Major CLAUSEN. Colonel Kestly, whom did you talk to about your appearance before this Board, before you came here today to testify?

Colonel KESTLY. Well, about my appearance here?

38. Major CLAUSEN. Yes, sir.

Colonel KESTLY. Well, I talked to Colonel Wimer. That is, we didn't discuss what might be said, or anything, with anyone. I talked to Colonel Wyman. I said "hello" to him and just passed the time. He didn't say anything about what I might say at the Board.

39. Major CLAUSEN. Did you see and talk with General Bragdon?

Colonel KESTLY. A few minutes; yes, sir.

40. Major CLAUSEN. What did he tell you about your appearance before this Board?

Colonel KESTLY. He said that they were not going to talk with me about it, because they didn't want it to appear that they might influence me in my appearance before the Board.

41. Major CLAUSEN. What else did he say to you about your appearance?

Colonel KESTLY. Well, the only other thing that I heard of was that there would be an informal gathering, and that I shouldn't be afraid of anything.

42. Major CLAUSEN. He told you you didn't have to be afraid?

Colonel KESTLY. Well, I mean, that I should feel perfectly at ease.

[3672] 43. Major CLAUSEN. Yes? What else did he say?

Colonel KESTLY. That is all.

44. Major CLAUSEN. Were they all in a group when the General told you this?

Colonel KESTLY. Colonel Wyman and the General.

45. Major CLAUSEN. I beg your pardon?

Colonel KESTLY. Colonel Wyman and the General were together.

46. Major CLAUSEN. When did you have this talk, Colonel?

Colonel KESTLY. Wednesday.

47. Major CLAUSEN. How did General Bragdon know that you were going to appear before this Board?

Colonel KESTLY. I don't know, sir.

48. Major CLAUSEN. You have no idea?

Colonel KESTLY. No, I don't know how. I just assumed he knew. because of a "radio" to the engineer, why, Colonel Wimer had given me the job of collecting data for General Bragdon when he arrived here.

49. General FRANK. Were you sent for, or did you report here to General Bragdon?

Colonel KESTLY. I just walked in there and asked about my appearance before the Board.

50. General FRANK. Why did you have to ask about it?

Colonel KESTLY. Well, I didn't know just what I should know, whether I should look up and see how many laborers I had, and what dates certain jobs were started, and how much yardage, and so forth. If there was anything that I should refresh my memory on, I wanted to do it.

51. General FRANK. Did you talk to Major Powell?

[3673] Colonel KESTLY. No, sir.

52. General FRANK. Do you know who Major Powell is?

Colonel KESTLY. Well, I just know that Major Powell is there with General Bragdon; yes, sir.

53. General FRANK. You did not have any conversation at all with Major Powell?

Colonel KESTLY. No, sir.

54. General FRANK. Did you have any conversation with Major Lozier?

Colonel KESTLY. Yes; Major Lozier, when he first arrived, came in my office and was helping us gather this information in the proper form, that was to be turned over to General Bragdon.

55. Major CLAUSEN. What did General Bragdon say? "Don't be afraid of the Board; just go up there, and be at ease"?

Colonel KESTLY. He didn't say, "Don't be afraid of the Board."

56. Major CLAUSEN. What did he say about "being at ease"? Did he say, "This is just a Board, don't pay"—

Colonel KESTLY. Oh, no!

57. Major CLAUSEN. "Don't let them give you the 'willies'?"

Colonel KESTLY. No, sir.

58. Major CLAUSEN. "Just go right there, and don't be afraid"? Is that what he said?

Colonel KESTLY. No, sir.

59. Major CLAUSEN. Well, what did he say? Tell the Board.

Colonel KESTLY. Well, just as I stated before, that the meetings were informal, and he was just putting me at ease, as I would state it in the easiest words.

[3674] 60. Major CLAUSEN. In other words, he was putting you at ease, on Wednesday, before your appearance before the Board, on Friday, is that right?

Colonel KESTLY. Yes, sir.

61. Major CLAUSEN. Are you at ease, now?

Colonel KESTLY. Well, I don't know. Not entirely!

62. Major CLAUSEN. Well, he didn't do a very good job then, did he? Or did you think that I was going to ask you these questions? Colonel KESTLY. No, sir; I didn't know you were going to ask.

63. Major CLAUSEN. Well, let me ask you this: Did he tell you also to tell the truth, here?

Colonel KESTLY. Well, I didn't need to be told that, sir.

64. Major CLAUSEN. No. Well, did you have to be told that you should come up here and be at ease?

Colonel KESTLY. Well, not—never having appeared before a board of this kind, I didn't know just what I was supposed to do.

65. Major CLAUSEN. How long have you been in the Army, Colonel Kestly?

Colonel KESTLY. Two years, last August.

66. Major CLAUSEN. You never appeared before a Board, before, in your life?

Colonel KESTLY. Not a military board; no, sir.

67. Major CLAUSEN. Well, any kind of board?

Colonel KESTLY. Well, when I was with the Railroad Commission of California, I used to appear before the commission.

[3675] 68. Major CLAUSEN. Do you know Leon Winchell?

Colonel KESTLY. Yes, sir.

69. Major CLAUSEN. Well, that is a fairly formal body, isn't it?

Colonel KESTLY. Well, no. Their proceeding was rather informal, I think.

70. Major CLAUSEN. Did he tell you that you should only answer what you knew, in answer to questions?

Colonel KESTLY. No, sir; he didn't say that.

71. Major CLAUSEN. That is all.

72. General GRUNERT. Have you any questions?

73. Colonel TOULMIN. I would like to know from this officer, if I may, General Grunert, why he should be disturbed. Have you got something on your mind, Colonel, that we probably might ask that would disturb you?

Colonel KESTLY. Not a thing.

74. Colonel TOULMIN. Well, when you sat down here, you seemed to be very much perturbed. I am just wondering what it was that might perturb a Lieutenant Colonel of the Engineers.

Colonel KESTLY. I seemed to be?

75. Colonel TOULMIN. Yes. You haven't got anything on your mind?

Colonel KESTLY. No, sir.

76. Colonel TOULMIN. All right. If you have, why, spit it out, now, and let these people know about it.

Colonel KESTLY. If there were, I certainly would; yes, sir.

77. Colonel TOULMIN. They want the facts.

78. General GRUNERT. Then I understand you have nothing [3676] else that you want to testify about or tell the Board?

Colonel KESTLY. No, sir.

79. General GRUNERT. There are many witnesses, you know, that have something that they want to get at, and they do not get the opportunity, and so I am giving you the opportunity.

Colonel KESTLY. No, the only thing I can say is that from the time I arrived and went to work at Midway, and then the month in be-

tween, and then started to work here as area engineer, I have been under pressure every bit of the time, making every effort to do as much work as we possibly could.

80. General GRUNERT. By "pressure," you mean the amount of work?

Colonel KESTLY. Yes, sir; and are trying to rush all the work we could. It has been quite a long period of it, and there hasn't been any let-up in it.

81. General FRANK. How many men were on this road job from Kolekole Pass over to the base at Kaala?

Colonel KESTLY. Well, I couldn't say for sure, General.

82. General FRANK. If it took the length of time you state, that was 1,500 feet a month, or 50 feet a day.

Colonel KESTLY. The number of men, of course, when you had so many structures ahead of the grading, which you would have to get in, well, there would be a certain group up here on the excavation of this one, while on this one they would be pouring the footings, and this one, they would be pouring the arch, and then there would be the shovel crews and the truck drivers.

83. General FRANK. How long have you been in the engineering game?

[3677] Colonel KESTLY. Since 1911.

84. General FRANK. How did the progress of that work stack up in your opinion with the experience you had had in the past?

Colonel KESTLY. Well, I think I would say that it was fair, General.

85. General FRANK. All right, nothing further.

86. General GRUNERT. That is all? That appears to be all they want of you, Colonel. Thank you for coming.

(The witness was excused, with the usual admonition.)

**TESTIMONY OF AHOON H. WONG, DEPUTY COUNTY ENGINEER;
WAILUKU, MAUI**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Wong, will you please state to the Board your name and address.

Mr. WONG. Ahoon H. Wong. My present address is Wailuku, Maui.

2. Colonel WEST. What is your occupation?

Mr. WONG. I am the deputy county engineer, now.

3. General FRANK. Mr. Wong, from June through December, 1941, what was your employment?

Mr. WONG. Area engineer of the Sixth Field Area of the U. S. Engineers Department.

4. General FRANK. Did the construction of the road on Haleakala come under your supervision?

Mr. WONG. Yes, sir.

5. General FRANK. What was the length of it?

Mr. WONG. It was approximately 4,000 feet, extending [3678] from the end of the then road to the very top of the mountain.

6. General FRANK. The copy of the job order indicates the commencement date as June 25, 1941.

Mr. WONG. That is approximately right, yes, sir.

7. General FRANK. That is correct, is it?

Mr. WONG. Yes, sir.

8. General FRANK. The estimated date for completion was September 25, 1941.

Mr. WONG. That is how it read.

9. General FRANK. That was the estimated date?

Mr. WONG. Yes, sir.

10. General FRANK. Then, a revised date for completion was November 30. Do you remember when it was completed?

Mr. WONG. The whole job, as first drawn out?

11. General FRANK. The road.

Mr. WONG. Oh, the road? The road was completed before that date, I am sure.

12. General FRANK. It was?

Mr. WONG. Yes, sir.

13. General FRANK. Was there some delay in the construction of the road?

Mr. WONG. There was no delay in the construction of the road.

14. General FRANK. It went along?

Mr. WONG. Yes, sir.

15. General FRANK. Where did the labor come from?

Mr. WONG. Local labor.

16. General FRANK. Who had the contract for the road?

Mr. WONG. The Hawaiian Constructors.

[3679] 17. General FRANK. Who was their man in charge of the job?

Mr. WONG. Superintendent by the name of Sloan.

18. General FRANK. Was he a pretty good man?

Mr. WONG. Yes, sir; he was a good man.

19. General FRANK. What other project did you have over there?

Mr. WONG. We had only that project; that is, a straight contract project with the Hawaiian Constructors. We had other projects, the CAA airport, under CAA funds, which was also under my jurisdiction.

20. General FRANK. Who was in charge of building that?

Mr. WONG. That was the Territorial Airport Constructors, a separate company.

21. General FRANK. Was the progress of this work on this road satisfactory to you?

Mr. WONG. Yes, sir.

22. General FRANK. And when did you arrive on Oahu from Maui?

Mr. WONG. Yesterday evening.

23. General FRANK. And to whom did you report?

Mr. WONG. Well, I didn't report, until early this morning.

24. General FRANK. Where?

Mr. WONG. To Sergeant Montgomery.

25. General FRANK. Have you been to the district engineer's office?

Mr. WONG. I have.

26. General FRANK. Whom did you see?

Mr. WONG. I saw General Bragdon.

27. General FRANK. What conversation did you have with General Bragdon?

[3680] Mr. WONG. Well, he asked me what jobs were then under construction, prior to December 7.

28. General FRANK. And what was your comment?

Mr. WONG. The same as I just stated.

29. General FRANK. What further advice if any did he give you?

Mr. WONG. None at all.

30. General FRANK. He made no comment to you about your appearing before this Board?

Mr. WONG. He made no comment; no, sir.

31. General FRANK. Not any?

Mr. WONG. No, sir; I told him that I was coming.

32. General FRANK. Did you see anybody else?

Mr. WONG. I saw Colonel Wyman.

33. General FRANK. Did you know him before?

Mr. WONG. Yes, sir; he was my immediate boss.

34. General FRANK. Did you have any comment from him, on appearing before the Board?

Mr. WONG. No, sir.

35. General FRANK. Did he mention the Board, at all?

Mr. WONG. No, sir.

36. General FRANK. Did you tell him you were coming to appear before this Board?

Mr. WONG. Yes, sir.

37. Major CLAUSEN. Mr. Wong, this job that General Frank was asking you about, Mt. Haleakala, Maui, is job-order 41.0, and the order to proceed was given June 14, 1941, is that correct?

Mr. WONG. That is right.

38. Major CLAUSEN. The job was only about 80 percent complete on [3681] December 1, 1941, is that correct?

Mr. WONG. What was the date, please?

39. Major CLAUSEN. December 1, 1941.

Mr. WONG. That was approximately right.

40. Major CLAUSEN. You are not employed by the United States Engineering Department at the present time, are you?

Mr. WONG. No, sir; I left them about a year ago last May.

41. Major CLAUSEN. How did you come to talk with General Bragdon?

Mr. WONG. Well, he called me over the long-distance telephone a few days ago; if I were coming to Honolulu, to drop in to see him.

42. Major CLAUSEN. What did he say he wanted to talk to you about?

Mr. WONG. Well, he just wanted me to discuss construction jobs on Maui prior to December 7, what jobs were then in operation.

43. Major CLAUSEN. Well, how did he know that you had been notified to appear before the Board, and to call you?

Mr. WONG. Well, he asked me if I were coming down, and I told him I was coming down to appear before this Board.

44. Major CLAUSEN. Did he tell you when you saw him and talked with him here in town to give correct testimony?

Mr. WONG. Pardon?

45. Major CLAUSEN. I say, when he talked with you here in town did he tell you to give correct answers?

Mr. WONG. He did not give me any instructions at all. He just asked me what jobs were then in operation.

[3682] 46. Major CLAUSEN. What jobs were then in operation?

Mr. WONG. Yes, sir.

47. Major CLAUSEN. You mean, were in operation in 1941?

Mr. WONG. That is right; in operation in 1941.

48. Major CLAUSEN. Well, did he tell you why he would have to ask you that question when he could just look at the records to find out, so simply?

Mr. WONG. Well, that is up to him. I don't know his reasons for asking me that.

49. Major CLAUSEN. No, I mean, did he tell you anything about that?

Mr. WONG. Oh, no; he didn't say.

50. Major CLAUSEN. I mean, did he say that for some special reason he didn't want to look at the records, he wanted to talk to you?

Mr. WONG. No; he didn't say that.

51. Major CLAUSEN. Do you have connections, over there in your present job as deputy county engineer, with the U. S. Engineer Department?

Mr. WONG. No, sir; I am with the County of Maui, a local organization.

52. Major CLAUSEN. I think that is all.

53. General GRUNERT. Are there any other questions? Mr. Wong, do you think of anything that you could tell the Board which might be of help to it, as to the conditions prior to the attack and during the attack—anything that you have in mind that you think the Board ought to know?

Mr. WONG. I think, in so far as the County of Maui, in so far as the work on Maui was concerned, and my observations [3683] in other areas, I think our work went along at a much more rapid rate.

54. General GRUNERT. In Maui?

Mr. WONG. Yes, sir.

55. General GRUNERT. Do you know anything about the delays or the slowness of the work elsewhere?

Mr. WONG. No, sir; I don't.

56. General GRUNERT. Then how do you make the comparison?

Mr. WONG. Well, just my observation. I just know that the work on our island was progressing much faster.

57. General GRUNERT. You had charge of that work over there, didn't you?

Mr. WONG. Well, I was the area engineer.

58. General GRUNERT. And you knew that your work was going faster than the other work; then the other work must have been going slower than yours.

Mr. WONG. Well, that is to be presumed.

59. General GRUNERT. Do you know the reason for the slowness?

Mr. WONG. I don't know that.

60. General GRUNERT. Is there anything else that you might want to say?

Mr. WONG. No, sir.

61. General GRUNERT. All right; thank you for coming up.

(The witness was excused, with the usual admonition.)

62. General GRUNERT. General Russell?

[3684] 63. General RUSSELL. I have been furnished by the G-2 office, Hawaiian Department, two estimate of the international Japanese situation. The issuing office was G-2, Hawaiian Department, Army Contact Office, Honolulu, Territory of Hawaii. One is dated the

17th of October, 1941, and signed by one George W. Bicknell, Lieutenant Colonel, General Staff Corps. It shows the distribution as follows: Chief of Staff, H. H. D., G-2, H. H. D., G-2, H. A. F., G-2 Schofield Barracks (3 copies), G-3, H. H. D., F. B. I. Honolulu (2 copies), O. N. I. Honolulu (2 copies).

(G-2 estimate of international (Japanese) situation, October 17, 1941, is as follows:)

1. Summary of Situation

a. With the fall of the Third Konoye Cabinet, the 16th instant, tension in the Pacific reached a new high. The fall of said cabinet is apparently primarily due to a breakdown of the rapprochement negotiations between America and Japan, and also due to extreme pressure from the rightist element in Japan as a result of German success against Russia, and also for fear of complete encirclement of Japan by the ABCD group.

b. The situation is generally admitted as being extremely critical, and is still necessarily uncertain, due to the fact that the formation of the new cabinet has not been completed and, consequently, little or no definite information is available as to the attitude of individual members, and nothing as to what the attitude of the cabinet as a whole will be.

c. Based upon contemporary opinions from various sources, however, it is fairly certain that Japan's basic policy, as heretofore frequently stated, will remain unchanged; and it is expected that Japan will shortly announce her decision to challenge militarily any nation or combination of nations which might oppose the execu- [3685] tion of said policies—irrespective of what means she may choose to adopt or course she may decide to take in their achievement.

2. Conclusions

According to present indications, it is highly probable that Japan will, in the near future, take military action in new areas of the Far East. The primary reasons for such a move or moves are believed to be as follows:

a. Capabilities.

1. Desperate economic conditions internally—making it perhaps preferable to risk a major foreign war rather than internal revolution.

2. Violent opposition by the "rightist" elements who are opposed to any appeasement of the democracies and desire more active cooperation with the Axis—for the time being.

3. That major successes of the Axis in Europe and the potential collapse of Russian resistance, afford an unparalleled opportunity for expansion with chances of minimum resistance—that is, when the strength of the Axis is at its maximum, and the strength of the democracies not yet fully mobilized.

4. A desire to break the so-called encirclement of the ABCD block.

b. *Probable Moves.* The most likely moves which Japan may make in the near future, and the sequence thereof, are as follows:

1. Attack Russia from the east.

2. Pressure French Indo-China and Thailand for concessions in the way of military, naval, and [3686] air bases, and guarantees of economic cooperation.

3. Attack British possessions in the Far East.

4. Defend against an American attack in support of the British.

5. Attack simultaneously the ABCD block at whichever points might promise her greatest tactical, strategic and economic advantages.

c. *Reasons Justifying These Moves.* The basis for each of the above possible moves are considered to be as follows:

1. Attack on Russia.

(a) Japan's desire to extend her first line of defense as far to the west as possible as a primary defense against potential aerial attacks on the heart of Japan proper by a continental power.

(b) To set up a buffer state between herself and Germany (assuming that Germany will eventually attempt to extend her influence and control eastward to the Pacific).

(c) To secure immense quantities of much-needed raw materials known to be in Siberia.

(d) To secure effective control over, or perhaps stamp out, communism in the Far East by striking at the root or source of the doctrine.

(e) A possibility that an attack on Russia at this time can be undertaken with a reasonable chance of non-military intervention by the United States; and that even the British might not [3687] resort to active military action in support of Russia in the Pacific, due to the fact that both the Americans and British are preoccupied in Europe, and that neither power has any genuine desire to ever see the state of the USSR emerge sufficiently strong to again plague the democratic states with the sinister ideals of communism.

(f) To open communications with Germany for the purpose of closer coordination and supply, in case it becomes necessary to continue the war against other Pacific powers.

(g) To achieve a spectacular victory which is now greatly needed to revive the morale of the people and prepare them for future efforts toward the south.

2. *Pressure French Indo-China and Thailand.*

Pressure on French Indo-China and Thailand for concessions of military, naval or air bases, and guarantees of economic cooperation, is entirely to be expected, and this may either precede or follow, or occur simultaneously with an attack on Russia, in order to insure security in the south while her primary objective in the north is being achieved; and to afford her more and better strategic bases from which she can operate against Chungking's lines of communications in case it becomes necessary to defend herself against either or both of these powers. Also, to secure additional raw materials, food, etc.

3. *Attack on British Possessions in the Far East.*

Following the principle of defeating one [3688] opponent at a time—famous with her Axis partner, Hitler—it is believed that Japan, if faced with certain British military resistance to her plans, will unhesitatingly attack the British; and do so without a simultaneous attack on American possession, because of no known binding agreement between the British and Americans for joint military action against Japan, and that the American public is not yet fully prepared to support such action. However, it must be evident to the Japanese that in case of such an attack on the British, they would most certainly have to fight the United States within a relatively short time.

4. *Simultaneous Attack on the ABCD Powers.*

While a simultaneous attack on the ABCD powers would violate the principle mentioned above, it cannot be ruled out as a possibility for the reason that if Japan considers war with the United States to be inevitable as a result of her actions against Russia, it is reasonable to believe that she may decide to strike before our naval program is completed.

An attack on the United States could not be undertaken without almost certain involvement of the entire ABCD block, hence there remains the possibility that Japan may strike at the most opportune time, and at whatever points [3689] might gain for her the most strategic, tactical or economical advantages over her opponents.

3. In conclusion, barring unforeseen and untoward actions, which might set off a conflict in any quarter and invite measures and countermeasures never contemplated, it is believed that the above represents the most logical major moves that Japan may take and the probable consequence thereof. This is assuming that the new cabinet will be, as generally predicted, 'strongly military' and will support the present demands of the 'rightists' elements which were largely responsible for the fall of Third Konoye Cabinet.

Then he has another one following that, dated the 25th of October, 1941, these being the only two G-2 estimates I was able to get. The first one was the 17th of October. The one I am going to read now is the 25th of October.

(G-2 estimate of international (Japanese) situation, dated October 25, 1941, is as follows:)

1. *Summary of Situation.* Reference paragraph 1, G-2 Estimate of the International (Japanese) Situation, 1200 Oct. 17, 1941, there have been no fundamental changes in the international situation, centering on Japan, since the time mentioned; and the estimate is still in almost complete accord with contemporary opinions of most high officials and reputable observers who are known to be in close touch with the various phases of the present fast-moving

situation. However, the following general summary is considered appropriate at this time:

a. A crisis of the first magnitude was created in the Pacific by the fall of the Third Konoye Cabinet on the 16th instant. The fall of said cabinet was allegedly precipitated by unsatisfactory [3689A] progress of the rapprochement negotiations between America and Japan, and by extreme pressure from "rightist" elements who have been clamoring for stronger ties with the Axis and more forceful opposition to the ABCD block, including Russia.

b. An apparently imminent collapse of the Russian forces in the west, together with the loudly proclaimed German successes everywhere, tended to accentuate the cry for action on the side of the axis to such a degree that the Konoye cabinet could no longer resist, hence resigned en bloc, and was almost immediately replaced by a new cabinet headed by ex-War Minister General Tojo.

c. Ministers of the new cabinet, as well as Premier Tojo, have openly declared their intentions of stronger ties with the Axis, which automatically underscores Japan's policies with "intensified aggression"; definitely places Japan in a camp hostile to the United States and other democracies; makes all protestations of peaceful intentions a sham or objective of suspicion; and forces America into a state of constant vigilance, but at least clarifies the situation to such an extent that we do know where we stand, what to expect, and what should be done.

2. *Conclusions.* No change in paragraph 2 of G-2 Estimate of 17 Oct. 1941. However, several important incidents have transpired, or are scheduled to take place, which are certain to have a profound bearing on the probable course of events in question in the near future. These are:

a. The formation of a new Japanese "War Cabinet", headed by ex-War Minister, General Tojo.

[3690] b. The decision of Premier Tojo to continue his predecessor's order to permit three Japanese vessels to visit American ports for the purpose of transporting stranded Americans and Japanese nationals to their respective homelands.

c. Premier Tojo's expressed desire to continue rapprochement negotiations with the United States.

d. The order by the Navy Department to American vessels to avoid Asiatic ports in the north Pacific, including Shanghai.

e. The announced decision of the American government to abandon Vladivostok as a part of entry for war supplies to Russia, and to adopt the port of Archangel as the sole point of entry for such shipments.

f. Announcement of Ambassador Nomura's return to Japan for consultation with the new cabinet.

3. *Justifications for conclusions.* The following is a brief analysis and evaluation of the above, based on limited reports, and is not to be regarded as conclusive, but rather to assist in making accurate conclusions on the general situation as subsequent events and special situations are presented:

a. *New Cabinet.* Paragraph 1 c above is the general answer. The only other noteworthy viewpoint received and considered to be worth mentioning, is that General Tojo was selected to head the new cabinet because he was the *only* man considered capable of controlling the "extremist" army elements, and [3691] thus stave off any precipitate action until such time as the situation in Europe has become definitely clear, and until at least a decisive stage has been reached in rapprochement negotiations with the United States.

b. *Japanese vessels to America.* The Japanese Government's decision to permit three ships to visit America for the purpose of repatriating stranded nationals of both countries, may be regarded either as a peaceful gesture or as a measure to "clear the decks" in the Pacific with a view to future naval and military moves. It will be recalled that the Japanese were careful to remove Japanese nationals from the interior of south China before spreading military operations to that section. It is considered impracticable to remove *all* Japanese nationals from America and American territories.

c. *Rapprochement Negotiations.* Inasmuch as the new Japanese cabinet has openly declared its intentions of stronger ties with the Axis—definitely our enemy—we can only expect Japan to make a similar use of peace negotiations as her partner, Hitler, i. e., as a means to delude and disarm her potential enemies. From a military point of view such peaceful overtures should be preceded by concrete evidence of sincerity before they can be seriously considered.

d. *Navy Order to Clear American Ships from North Pacific.*

This action on the part of the Navy seems to have been largely "precautionary", which also appears [3692] fully justified, realizing that we are now definitely dealing with an exponent and ally of Hitler.

e. *Abandonment of Vladivostok as a Port of Entry for Russian Supplies.*

Two issues are here involved:

(1) *Military.* The crucial point as to whether we will be able to continue to face Hitler across the English Channel, across the Atlantic, or on American shores, centers in the British Isles. Convoys must cross the Atlantic in order to hold the British Isles at all cost, irrespective of what happens in the Pacific. Convoys to Archangel, for the greater part of the distance, could be carried on incidental to convoys going to the British Isles. Requirements of armed escorts for the remaining distance to Archangel, would probably be less than what would be required over any Pacific route. In fact, with a hostile Japanese fleet in the Pacific, any practicable route across the Pacific to Russia may have been entirely ruled out. Assuming this to be the case, the most logical step would be not to undertake a thing that would certainly have to be abandoned later.

(2) *Diplomatic.* Inasmuch as the shipping of supplies to Russia via Vladivostok has been one of the major issues between America and Japan recently the abandonment of said route may serve to keep the door of diplomacy open for a longer period; and, in case of an unforeseen major reserve for the Axis [3693] in Europe, might provide an open door for successful negotiations at a time when Japan desired to change her mind, seeing that further ties with the Axis are useless, and that a compromise with the democracies has become inevitable.

f. *Nomura's report to New Cabinet.* This is considered a very normal procedure with the Japanese Government. Mr. Nomura will be expected to give a review of his efforts in Washington and perhaps the last word on the American attitude. If his previous work is still in harmony with Japan's new policy, he may return to Washington. If not, it seems a fair assumption that he may not even be replaced. In case the abnormal procedure is followed, of dispatching a subordinate to Tokyo, it may be taken as an attempt to conceal the real gravity of the situation. This is not, however, a prediction.

REMARKS: Everyone is interested in the answer to the question, When will Japan move?—a question which no one dares to predict with certainty. However, the following points are considered to be worthy of mentioning:

a. Things which tend to indicate that a major move will not take place for approximately another month are:

(1) The dispatch of Japanese vessels to the United States for return of stranded nationals of both countries to their respective homelands.

(2) Ambassador Nomura's return to Japan for purpose of reporting to the new cabinet.

(3) Repeated declarations by Japanese officials [3694] that Japan desires to continue rapprochement negotiations.

(4) Extreme cold over Eastern Siberia makes military operations against Russia very risky before spring.

(5) A protracted Russo-German war seems much more likely now than it did immediately prior to the assumption of office by the new cabinet, and that the "rightists" who were crying for action against a "collapsing" Russia, may again hesitate to take the final plunge on the side of Hitler. If the intense cold plus a tired Russian Army is able to stop the invincible legions of Hitler before Moscow (?), wisdom may dictate not to risk the matchless legions of Nippon against a rested Russian army under temperatures still lower than around Moscow.

(6) Announcement that Cabinet leaders have requested Emperor Hirohito to convoke a special five-day session of the Imperial Diet, beginning Nov. 15, at which time, it is predicted, the government will be asked to clarify its stand on international policies, particularly with reference to former Premier Konoye's message to President Roosevelt and the progress of the Washington negotiations.

b. In other words, it seems logical to believe that no major move will be made before the latter part of November—in any direction—with a chance that the great break, if it comes, will not occur before spring.

Those are the only G-2 estimates dealing with the Japanese [3695] situation which I have been able to find in the War Department in Hawaii.

**TESTIMONY OF SIMON PERLITER, 1901 UALAKAA STREET,
HONOLULU, TERRITORY OF HAWAII**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Perliter, will you please state to the Board your name and address.

Mr. PERLITER. My name is Simon Perliter. I live at 1901 Ualakaa Street, Honolulu. My permanent home is in Los Angeles.

2. Colonel WEST. Where are you employed at the present time, Mr. Perliter?

Mr. PERLITER. With the United States Engineers at Punahou, Punahou campus.

3. General GRUNERT. General Frank, assisted by Major Clausen, will conduct this particular part of our investigation.

4. General FRANK. What is your present assignment?

Mr. PERLITER. My present assignment is design engineer, Chief Design Engineer, my civil service qualification is Head Engineer.

5. General FRANK. For whom?

Mr. PERLITER. U. S. Engineer's Office.

6. General FRANK. At?

Mr. PERLITER. At Punahou, Honolulu.

7. General FRANK. How long have you been there?

Mr. PERLITER. Approximately four years.

8. General FRANK. You were there, then, during 1941?

Mr. PERLITER. Yes, sir.

9. General FRANK. Were you there when the Hawaiian Constructors' contract became effective?

Mr. PERLITER. Yes, sir.

10. General FRANK. What position did you then hold?

Mr. PERLITER. Chief of the Engineering Division.

11. General FRANK. And your duties consisted of what?

Mr. PERLITER. In charge of all designing work in the Honolulu District for the U. S. Engineer.

12. General FRANK. And as that you did what?

Mr. PERLITER. Prepared plans and specifications for all work in connection with the U. S. Engineer in the Honolulu District.

13. General FRANK. Under whose direct supervision did you work?

Mr. PERLITER. Colonel Wyman.

14. General FRANK. There was no intermediary between you and Colonel Wyman?

Mr. PERLITER. There was an intermediate person later. He arrived at about February of 1941. He was Lieutenant Butz, D. C. Butz.

15. Major CLAUSEN. You said to me that General Bragdon has a message that you were to carry to me.

Mr. PERLITER. There were certain drawings which I prepared under the direction of General Bragdon that consisted of a series of maps and exhibits. I brought them here yesterday. They were to be used, I understood, by Colonel Wyman, but I understand they were not called for. They were made under my supervision and, therefore, if there is any explanation of them I can make it.

16. Major CLAUSEN. Are these the maps?

[3697] Mr. PERLITER. Yes, sir.

17. Major CLAUSEN. Suppose you take and explain them to the Board, give us a brief explanation of them.

Mr. PERLITER. This map, gentlemen, is a map of the Island of Oahu, and the circles indicate job orders that were issued for various jobs for the Hawaiian Constructors.

As to the colors, the solid blue circles show permanent AWS stations; the green circle shows mobile AWS stations; the red circle is gasoline storage; the brown circle is the information center, and the circle with no color whatsoever is all other jobs which pertained to the contract of the Hawaiian Constructors up to the 7th of December.

We have the same thing on the other islands, if you care to see them, the same type of exhibits.

18. Major CLAUSEN. Those are marked just P-1. Now, will you explain the others.

Mr. PERLITER. This is a map of the Island of Maui, with the same notations and indications I just explained to you for the Island of Oahu.

19. Major CLAUSEN. Mark this P-2.

Mr. PERLITER. The same thing for the Island of Molokai.

20. Major CLAUSEN. Mark that P-3.

Mr. PERLITER. The same thing for the Island of Hawaii.

21. Major CLAUSEN. Mark that P-4.

Mr. PERLITER. The same thing for the Island of Lanai.

22. Major CLAUSEN. That will be marked P-5.

Mr. PERLITER. And the same thing for the Island of Kauai.

23. Major CLAUSEN. Mark that P-6.

Mr. PERLITER. These maps were prepared on the basis of a [3698] wire that we received which stressed reserve aviation gasoline storage, gasoline storage and AWS, so instead of completing the plans, loading up with all the work, we prepared these maps stressing those three items.

24. General FRANK. But the other maps have all the work on them?

Mr. PERLITER. Yes, sir.

25. General FRANK. Including those that you have here?

Mr. PERLITER. Yes, sir.

26. General FRANK. Then I would say we do not want those.

Mr. PERLITER. This map is a map showing a chart of the airline distances and on it we have projected in blue the western ferry route that we constructed and in red the eastern ferry route, with one small alternate shown in dotted red, and the green are the routes we had understudy as possible other routes in the event those routes were knocked out by the enemy.

27. General FRANK. The only one you actually did any work on was the one in blue?

Mr. PERLITER. No, sir, we built both routes.

28. General FRANK. Built both the blue and the red?

Mr. PERLITER. Yes, sir.

29. Major CLAUSEN. Do you want those?

30. General FRANK. Yes, I think so.

31. Major CLAUSEN. All right, mark this P-7.

Mr. PERLITER. These drawings, gentlemen, are drawings which pertain to details on the AWS, they are site plans, and also the gasoline storage. They are actual working drawings, but they just show the site in detail. That is all as far as the exhibits are concerned.

[3699] 32. General GRUNERT. Can you reproduce those seven?

Mr. PERLITER. Yes. How many copies, sir?

33. Colonel WEST. Five copies.

Mr. PERLITER. We will have them for you Monday morning.

34. Major CLAUSEN. I have no further questions. These maps are the maps that were made after you received instructions from the Chief of Engineers; is that right?

Mr. PERLITER. I made those maps after General Bragdon got here, which was last Sunday, and we made them on Monday.

35. Major CLAUSEN. I have no further questions.

36. General FRANK. I have none.

37. General GRUNERT. I think I have one or two.

You had during 1941, I understood you to say, charge of preparing all of the specifications for various jobs?

Mr. PERLITER. Plans and specifications.

38. General GRUNERT. Were there many changes that were demanded on certain work drawings, for instance, that caused you to make repeated changes in the plans?

Mr. PERLITER. Yes, sir.

39. General GRUNERT. What were the changes, such changes, and how much did that delay certain projects, generally speaking?

Mr. PERLITER. General speaking, I would say the changes were numerous. It would come in this manner: At the time this work was started, particularly in connection with war reserve gasoline and the AWS, neither the using agency or the designing engineer were acquainted nor experienced with the construction of such projects. As a result we worked with the using agency very closely. But they did not know what they [3700] wanted. We would make up a layout which they thought they wanted. We would present it to them. They would ask for changes. In one instance I made up a complete set of plans for AWS, which I have unsigned in my office, for camps, which were discarded and new sets started just for such a thing as I have mentioned.

As far as the gasoline storage is concerned—I am talking in terms of the war reserve—I have prepared, I think, chronological events from the time we first received instructions to prepare the first survey to the time we were told to go ahead with construction. There again the using agency would not be definite to any great extent, but no one seems to know exactly what they wanted. In the interest of standardization, they finally adopted a standard-sized tank, which, when you look at the over-all picture, no doubt saved time, but as far as this particular location was concerned it meant definite delay.

As an example, a definite project report which I prepared was transmitted to the Chief of Engineers, and in that report I recommended the use of 50,000-barrel tanks. After the report was reviewed by the Chief of Engineers, they felt that 50,000 barrels in one basket was too great. They recommended a smaller storage unit in the amount of 25,000 barrels. We immediately prepared designs of these tanks on the basis of 25,000 barrel capacity, transmitted the bill of materials to the Division Engineer, who was our procurement agency at the time. We no sooner completed those when we were instructed that the best type of tank was a 30,000 barrel tank. We proceeded with those designs and billed the material. Then I had further

instructions to go to a 40,000-barrel tank, which was the final tank that was used.

[3701] 40. General FRANK. From whom did you get these instructions?

Mr. PERLITER. From the Chief of Engineers.

41. General GRUNERT. As to these plans and specifications that you drew, how long in the matter of days, approximately, does it take to switch from one to the other and prepare new ones; approximately?

Mr. PERLITER. That would be very difficult to answer, but I believe I can answer that.

42. General GRUNERT. Give me an example of some of those you changed and the approximate time it took to do that.

Mr. PERLITER. To prepare the first design always takes the greatest time, and the first 50,000-barrel tank, the design of that took about 6 weeks, including the bill for the material; the ones after that only took about 2 weeks to prepare, to change the general design. To actually draw up the details took about 3 weeks.

43. General FRANK. How many baffles between tanks?

Mr. PERLITER. There are no baffles, sir. The present tank are 40,000-barrel tanks. They are a hundred feet in diameter, 30 feet high. They have a series of columns for supporting the slab, and they have stiffening around the periphery of the tank to keep the tank from collapsing due to lateral load.

44. General GRUNERT. During all this time that it took to change the plans could any work go forward on them? Could any ground-work go forward on them that the plan changes did not affect, or did everything have to wait until they got the blueprints in their hands?

Mr. PERLITER. No, sir. The work on the islands here is [3702] of such a nature that we never have a complete set of plans prepared before we start work. In this particular case we actually did break ground and received a radio from the Division office stating that we hold construction in abeyance until we heard from them, due to the fact that the plans were being materially changed.

As an example of what I mean, this building, which was done under the District Engineer, was started the second day after General Richardson had approved the sketch. I furnished him a foundation plan. There were 104 drawings on this building, and the building was completed in 45 days, the whole project. So you can see we are just one step ahead of the construction division.

45. General GRUNERT. Suppose the whole project falls through; then what the contractor has done on that work is so much waste?

Mr. PERLITER. In the case of the war reserve, we already had authority to go ahead with the project, but there was no definite approval of the plans. The amount of excavation we had was not wasted, for this reason: The initial excavation was clearing some of the pineapples and then we also stockpiled the top soil, so that when we finished the project we placed the same top soil back on top of the tanks so we would get a good growth of pineapples.

46. General GRUNERT. How was the delay in preparing these plans and specifications as compared to the delay it took to get approval of what was contemplated? Do you see what I mean? If the approval had to go from here to Washington, how much time could have been saved if the approval could have been local? Have you ever figured that out?

[3703] Mr. PERLITER. Yes, sir. I had very little experience with government procedure until the time I arrived on the islands. I had been in private work. One of the things that used to gripe me was the red tape of getting a project started. I was always anxious to get a job going. However, we had to submit all our plans and specifications to the Division Engineer for approval, and if you got your plans back in one month you were fortunate.

47. General FRANK. That is, from the Division Engineer?

Mr. PERLITER. Yes, sir. On this particular project, on the war reserve project, apparently the Chief's office, the A. G.'s office, the Air Corps, were all inter-related, and then there was a Board of Consultants on oil storage. They came into the picture later. So everyone seemed to have their finger in the pie as far as that particular project was concerned.

In connection with the AWS, that took a little different aspect, in that we worked with the Signal Corps. The drawings had to go, after the Signal Corps approved them, to the Division Engineer for approval, but there again it is my understanding that the Signal Corps work is centralized in one bureau rather than decentralized like a District Engineer. Most of their information today comes direct from the Chief Signal Officer in Washington, and many times I would ask the Signal Corps how about this information, and they would say "We don't have it here. We will have to write to the Chief Signal Officer." That tended to delay the project.

48. General GRUNERT. Can you tell me what the Division Engineer in his Division Engineer office could do to a plan or [3704] specification that could not be done on the ground?

Mr. PERLITER. Well, I always claimed this, as a practical practicing engineer, that the man on the ground knows more about the job than the man that is 2,000 miles away or even 300 miles away, if he does not see the job. We know the intimate local—

49. General GRUNERT. I have the answer to my question. Do you know how many plans and specifications that were sent to the Division Engineer were not approved by him and changes were made? If so, what was the line of changes?

[3705] Mr. PERLITER. In general the changes were very small, and we had to resubmit either the plan or by correspondence say that, "The changes requested have been made," and that is all.

50. General GRUNERT. What did they amount to? Something in the line of cost, or in what way did they change the plans? That is what I want to find out.

Mr. PERLITER. Well, their design engineer might have a different idea, which in some cases might even be better than I had suggested.

51. General GRUNERT. I see.

Mr. PERLITER. Usually that is the type of changes that you will get from a division office, because they are experienced personnel sitting there. They won't send in any arbitrary changes just to be arbitrary. They were constructive criticisms.

52. General GRUNERT. Then, there is a question of one designer passing upon another's design, possibly to get the best value out of Uncle Sam's money; is that it?

Mr. PERLITER. Yes, sir.

53. General GRUNERT. I have no further questions.

54. General FRANK. When did you come here?

Mr. PERLITER. When did I come here, sir?

55. General FRANK. Yes.

Mr. PERLITER. I came here October 13, 1940.

56. General FRANK. 1940. Did you have the same difficulty with changes in plans on a fixed-fee contract that you did in these cost-plus-fixed-fee contracts?

Mr. PERLITER. I don't believe I grasp that. I don't [3706] understand the question.

57. General FRANK. Well, a fixed-fee contract is a contract where you have open bids, the plans are presented to the contractors, and once he is given the contract he takes those plans and goes ahead with the construction without any changes unless the engineer requires some changes, and that requires a renegotiation of the contract. Do you understand what I mean now?

Mr. PERLITER. Yes, I believe I do, sir. That type of contract—

58. General FRANK. Now, you had that kind of contract up until January of 1941?

Mr. PERLITER. That is correct, sir. In that type of contract you have less delay than you do in the type of contract we had after the 6th of January of '41, for this reason: When you ask a contractor or any group of contractors to submit a formal bid, you have to submit sufficient data and specifications so he can give you a bid on which you are getting the most for your money; whereas, with this other type of contract, that type of contract is drawn up for expediency. In other words, it is to get the work started right away, without going to a formal bid.

59. General FRANK. That is all.

60. General GRUNERT. Are there any other questions?

61. Colonel TOULMIN. I would like to ask him one question, General.

Mr. Perliter, to what extent were the drawings on the contracts handled by Hawaiian Constructors distributed? That is, what was your distribution system, and to whom did the [3707] copies of the drawings go?

Mr. PERLITER. Distribution system on drawings changes from time to time in the interest of expediency. Originally, if I recollect, they were sent directly from my office to the Hawaiian Constructors. Later, at the request of the Operations Division of the District Engineer, we submitted the drawing to them, and they in turn submitted them to Hawaiian Constructors. And then still later, in the interest of getting things done, we sent one copy to the Operations Division, and the rest of the copies we transmitted to the Hawaiian Constructors direct, with a letter of transmittal.

62. Colonel TOULMIN. How many copies did the Hawaiian Constructors get?

Mr. PERLITER. That also varied.

63. Colonel TOULMIN. Just approximately?

Mr. PERLITER. I would say approximately five sets; four to five sets.

64. Colonel TOULMIN. Any restriction on distribution of these drawings? Any mark in any way to restrict them to certain people?

Mr. PERLITER. The distribution of these drawings was restricted only insofar as if they were secret, yes. If they were not secret, there were no restrictions.

65. Colonel TOULMIN. Do you know of your own knowledge whether or not copies of these drawings were sent direct to the main office of the contractors on the mainland?

Mr. PERLITER. I do not.

66. Colonel TOULMIN. That is all.

67. General FRANK. Would it have been possible to have sent [3708] them direct without your knowing anything about it?

Mr. PERLITER. Yes, sir.

68. Major CLAUSEN. Mr. Perliter, do I understand that it was normal that one month's delay would ensue between the time that you would send plans to the Division Engineer with respect to his acting on these plans?

Mr. PERLITER. Well, there is a normal period of delay in transmitting drawings. The shipments of the drawings were by boat, and he in turn had to check them and then send them back, and a month's time I don't believe is unusual.

69. Major CLAUSEN. And then where did the Chief of Engineers come into the picture? You said something about the approval of the Chief of Engineers being required.

Mr. PERLITER. The approval of the Chief of Engineers was required in the original work on the war reserve. That project was initiated in Washington. We were directed to prepare a survey, and later we were directed to prepare what is known as a definite project report, which is almost like a thesis, and that went back to the Chief of Engineers through the Division Engineer. A definite project report outlines the different methods you can do work—you can prepare this project, and method of design and the costs and your final recommendation.

70. Major CLAUSEN. What amount of delay did you have, then, from the standpoint of action that should have been taken by the Chief of Engineers?

Mr. PERLITER. If you allow me, I can read you from the chronological order of such a thing.

71. Major CLAUSEN. Well, you gave me one, rough.

[3709] Mr. PERLITER. Rough. Yes, I can tell you that. A definite project report was ordered about the——

72. General FRANK. Well, not a project report. We don't care about project reports.

Mr. PERLITER. Well, we didn't have to submit the final—once the report was approved——

73. General FRANK. What report is this?

Mr. PERLITER. Definite project report.

74. Major CLAUSEN. What time was taken in getting of this report so far as approval by the Chief was concerned?

Mr. PERLITER. It took—it left this office on the 24th of June of 1941, and on the 30th of October we received definite approval to go ahead.

75. Major CLAUSEN. General Frank wants to ask a question.

76. General FRANK. You said there was thirty days' delay when a project went from here to the Division Engineer and back?

Mr. PERLITER. Approximately thirty days.

77. General FRANK. Yes. Now, what delay was there, in general, when a project had to go to the Chief of Engineers?

Mr. PERLITER. I may not have made myself clear.

78. General FRANK. Well, just answer that question.

Mr. PERLITER. There was only one project I know of, and I will answer it on that basis.

79. General FRANK. All right.

Mr. PERLITER. And that was the war reserve aviation gasoline storage, and the delay—I'll have to figure: from the 24th of June, 1941, to the 30th of October, 1941; that was the delay.

[3710] 80. Major CLAUSEN. Well, let me ask you this, Mr. Perliter—

81. General FRANK. October. Four months, about?

Mr. PERLITER. Yes, sir.

82. Major CLAUSEN. You have been in the Engineers long enough now to know that the Chief of Engineers certainly knew the normal routine processing of plans from Hawaii to San Francisco and the time it would take?

Mr. PERLITER. Yes, sir.

83. Major CLAUSEN. Well, the Chief of Engineers, therefore, sets forth in a contract that a job is to be done within six months.

Mr. PERLITER. Yes, sir.

84. Major CLAUSEN. The time that it would take to process plans is all a matter of coordination, isn't it? In other words, you know that thirty days is going to take place, why, you coordinate your work, don't you?

Mr. PERLITER. Well, I would like to correct you on one point. I don't believe it is the Chief of Engineers that sets the construction period. I think the construction period is determined here on the spot.

85. Major CLAUSEN. Let me ask you about these plans. If we, the Board, should want plans, that is, detailed plan drawings of some of these installations that are marked on the seven maps that we have, Mr. Perliter, where would we get those?

Mr. PERLITER. Out of my office.

86. Major CLAUSEN. And do copies exist in the office of the Chief at Washington?

Mr. PERLITER. Some of them do and some don't.

[3711] 87. Major CLAUSEN. How much time, how much delay would ensue between our making a request of your office and getting them in Washington?

Mr. PERLITER. Delay of one day in printing and the time it would require by courier to go by mail—air mail from this station to Washington.

88. Major CLAUSEN. In other words, if we determine that we should want certain plans, we could get them, these plan drawings, within a matter of some days, from you?

Mr. PERLITER. If it was by courier and he was on a—well, say, a No. 3 priority, my guess would be three days.

89. Major CLAUSEN. All right. We may call on you for some.

Mr. PERLITER. Yes, sir.

90. Major CLAUSEN. No further questions.

91. General GRUNERT. Anything else you might want to add that you think of that might be of value to the Board?

Mr. PERLITER. Well, yes; I would like to add a few things.

I was through this whole thing from its very beginning, and I figure 1940 was the beginning. You gentlemen must recognize this:

that we were out here 2,000 miles away from the mainland. In 1940 a large war construction program was started on the mainland of the United States, and all technical men and skilled men were being gradually picked up in the mainland. Local help was not available. The Navy had gotten the jump on us and started work here, and naturally they picked up most of the local help. I had extreme difficulty in obtaining qualified technical men, and I imagine the same thing was experienced by the contractors. To me that is [3712] important because considerable work—

92. General FRANK. To whom? Important to whom?

Mr. PERLITER. It is important to getting the job done. I couldn't get enough technical help. My men used to work 12, 14, 16 hours a day because of a shortage of qualified help. And that has got to be recognized in a thing of this kind.

Another thing that should be recognized: prior to December 7th we had no authority to stock-pile materials in the Islands. In other words, a job would be authorized. We would start from scratch, and we would start from the bills of materials. It was extremely difficult to get materials over here. One of the things we had trouble with was in connection with gasoline storage, welding material, pipe, fittings, pumps. It was next to impossible to get that type of material.

Still another thing, there was a certain amount of confusion that existed in shipping for overseas projects. As an example, and this is after Pearl Harbor, on approximately the 8th of May of 1942 the Commanding General of—or General Farthing called me and asked me if I could expedite the construction of war reserves. That was in '42.

I said, "General, there is nothing I can do here."

He said, "Where is the plate for the tanks, and the pipe?"

I says, "It is on the mainland."

About two hours later he called me, and he said, "Would you be willing to go to the mainland to pick that stuff up and identify it?"

When I arrived at the Howard Street Terminal in Oakland, California, most of the material was there. I stayed there five days and identified most of the stuff. It was placed on [3713] board ship, and it was 12 days later it arrived here in Honolulu. However, when I arrived there, there wasn't a single person there that could identify the material.

Now, those things have to be recognized. They are an important part of the whole story.

93. General FRANK. Have to be recognized by whom, Mr. Perliter?

Mr. PERLITER. Well, by anyone that's weighing facts, that's gathering facts.

94. General FRANK. All of these things are in extenuation of what?

Mr. PERLITER. In extenuation of delaying construction. Take, for instance—

95. General GRUNERT. Then, you think that every big job needs a man like the Kaiser shipyards had? What did they call him? An expediter?

Mr. PERLITER. Well, I would say an expediter—

96. General GRUNERT. In Hawaii if you have a big problem over here, and you turn it out properly and you plan it properly, why don't they put an expediter on there if he is needed?

They used you once as an expediter, and you got results. Did they have any other such occasion?

Mr. PERLITER. I can't answer that question, because I don't know.

Here is something else that delayed work around here——

97. General FRANK. The fact of the absence of an expediter is a failure to provide proper organization, then, it would seem, in accordance with your own logic.

98. Major CLAUSEN. Coordination.

[3714] Mr. PERLITER. Well, that is a matter of opinion on the process of how a man runs his organization. One man feels he can get things done one way; another, another.

99. General FRANK. Yes, but you just got through telling what must be done by someone.

Mr. PERLITER. That is my opinion.

100. General FRANK. Or an organization.

Mr. PERLITER. That is my opinion on that.

101. General FRANK. Yes.

Mr. PERLITER. Another thing that delayed this work over on the Island of Maui, on the A. W. S. station at Haleakala we had certain trouble getting real estate approval or getting right of access onto the grounds, because you were in park, national park property. That delayed the job.

Another thing that delayed the job, the information center at Shafter: a sketch was handed to me, and they said, "This is going to be the information center." There was no one that knew exactly what went into an information center. We literally had to grope in the dark to get this thing designed. So things like that just naturally delay jobs.

102. Major CLAUSEN. What was the total fee paid Hawaiian constructors on this job, Mr. Perliter?

Mr. PERLITER. I don't know, sir.

103. Major CLAUSEN. About \$800,000?

Mr. PERLITER. I am not familiar with that.

104. Major CLAUSEN. The more delay, the more the fee; isn't that right? The more the delay, the more the work; the more the work, the more the fee. Isn't that the way it works?

Mr. PERLITER. I don't think so. The fee is based upon [3715] the estimated cost prior to construction.

105. Major CLAUSEN. Surely. Well, if you hire men for two months instead of hiring them for one month, then you have more money to pay for the two months; isn't that right?

Mr. PERLITER. You are right, but that doesn't—that has nothing to do with the fee. The fee is the amount that goes to the contractor, and he gets one fee. The salary is paid by the Government.

106. Major CLAUSEN. But the total cost is the basis for determining the fee, isn't it?

Mr. PERLITER. No, sir. The total cost of that job was determined prior to start of construction, and it was determined based on a similar job or experience of a man that takes so long to do a job.

107. Major CLAUSEN. Well, your first cost was a million dollars, about, wasn't it?

Mr. PERLITER. Which job, sir?

108. Major CLAUSEN. This Hawaiian Constructors job.

Mr. PERLITER. Oh, the first?

109. Major CLAUSEN. Yes. The first contract was about a million dollars?

Mr. PERLITER. I don't know that. I don't know that.

110. Major CLAUSEN. You don't even know what the contract provided with regard to the time for completion, then, do you?

Mr. PERLITER. I wasn't concerned with that.

111. Major CLAUSEN. You are not concerned with that?

Mr. PERLITER. No, I am not.

112. Major CLAUSEN. All right. That is all.

[3716] 113. Colonel TOULMIN. I would like to ask him just one question.

Mr. Perliter, you followed usual engineering practice, that the last of a series of drawings on a given job indicate on their face the successive number of changes that were made, by date?

Mr. PERLITER. Yes, sir.

114. Colonel TOULMIN. That is all. Thank you.

115. General FRANK. To whom did you talk about coming up here to testify?

Mr. PERLITER. Oh, I have been with General Bragdon most of the time. I have helped General Bragdon get these things together, because I am aware of the information in the District office.

116. General FRANK. What conversation did you have with General Bragdon about coming up here to testify?

Mr. PERLITER. None in regards to my testimony. In fact, when I was called I said, "I am going up to testify," and that's all.

117. General FRANK. You had no conversation whatever about being a witness up here?

Mr. PERLITER. Oh, yes; I told him I was being called as a witness. In fact, I informed him the very first day he arrived here; I told him, "For your information, I have been called as a witness." And I even showed him the first request to appear as a witness.

118. General FRANK. And he has made no comment whatever to you about being a witness up here?

Mr. PERLITER. No instructions, if that's what you mean; [3717] no, sir.

119. General FRANK. I said, comments.

Mr. PERLITER. Comments. Well, he said, "Go up there and tell 'em what you know," and that's all.

120. General FRANK. Did you talk to Major Powell?

Mr. PERLITER. Yes, sir.

121. General FRANK. What was the subject of your conversation with Major Powell?

Mr. PERLITER. I can't recollect it, but in a general sense I told him that I was called as a witness and that I was to appear, and he told me, "Just tell 'em everything you know, and answer the questions they ask you."

122. General FRANK. How do you happen to be making statements there of what "must be considered"?

Mr. PERLITER. I am making those statements just as an engineer and based upon approximately 20 years of my experience in this field.

123. General FRANK. Well, what does that have to do with general engineering practice, and why should you tell this Board of what must be considered about some particular phase of an engineering project?

Mr. PERLITER. The same thing must be considered in any other project, regardless whether it was over here, particularly when you are removed so far from the mainland.

124. General FRANK. Specifically, were the points that you mentioned there discussed by you with anybody in the office of the Engineers down at Punahou College?

Mr. PERLITER. With the office, any particular—

125. General FRANK. With anybody in that office.

[3718] Mr. PERLITER. No, sir, I never discussed that part of it.

126. General FRANK. How did you happen to be emphasizing those points here?

Mr. PERLITER. Because it has always been a very sore thing out here in the Islands, the inability to get materials here to do a project. I could quote many examples if you wish.

127. General FRANK. I have nothing further.

128. Major CLAUSEN. Mr. Perliter, don't you have in your office the contracts and the amounts of money reflected on the contracts, and the amounts of fees that are paid to contractors?

129. General FRANK. Not in his part of the office.

Mr. PERLITER. Not in my own office; no, sir.

130. Major CLAUSEN. Well, there is some section down there that could get that for you, couldn't they?

Mr. PERLITER. Oh, yes, sir.

131. Major CLAUSEN. Well, could you get me, for the time when you bring back the maps, the total fees paid Hawaiian Constructors under the basic contract and all supplements, and the face value of the basic contract?

Mr. PERLITER. The total fees paid Hawaiian Constructors under the contract?

132. Major CLAUSEN. All supplements.

Mr. PERLITER. And all supplements. Up to 7th December?

133. Major CLAUSEN. Completion. No. To completion. Total completion of the contract. And the face value of the basic contract and all supplements. Just those two items.

Mr. PERLITER. Total fees paid Hawaiian Constructors under the contract and all supplements, and the face value of [3719] the basic contract?

134. Major CLAUSEN. And all supplements. Just those two figures.

Mr. PERLITER. Yes, sir.

135. Major CLAUSEN. Thank you.

136. General GRUNERT. That appears to be all. Thank you very much for coming.

Mr. PERLITER. Yes, sir.

(The witness was excused, with the usual admonition.)

(There was a brief informal recess.)

[3720]

**TESTIMONY OF HENRY P. BENSON, OF THE HAWAIIAN
DREDGING COMPANY; HONOLULU, T. H.**

(The witness was sworn by the Assistant Recorder and advised of his rights under Article of War 24.)

1. Major CLAUSEN. Will you state your name and where you reside, Mr. Benson.

Mr. BENSON. Henry P. Benson; Honolulu, T. H.

2. Major CLAUSEN. With what company are you connected at the present time?

Mr. BENSON. The Hawaiian Dredging Company.

3. General GRUNERT. Mr. Benson, General Frank, assisted by Major Clausen, will cover this particular part of the investigation, so I will turn you over to their tender mercies.

4. General FRANK. Mr. Benson, in 1941, you were associated with the Hawaiian Contracting Company?

Mr. BENSON. Yes; I was president and manager.

5. General FRANK. Did you have any government contracts?

Mr. BENSON. Yes.

6. General FRANK. Prior to the time that the Hawaiian Constructors came in here?

Mr. BENSON. I did. I had a job down at Kapalama, to build a wharf, and a number of air-raid housings and AA houses, and a tunnel at Shafter. It was a CPFF contract.

7. General FRANK. What is a CPFF contract?

Mr. BENSON. "Cost-plus-fixed-fee."

8. General FRANK. You had that?

Mr. BENSON. Yes, sir.

9. General FRANK. You had those contracts before the Hawaiian Constructors came in?

[3721] Mr. BENSON. Oh, no; not before. Before we entered the Hawaiian Constructors, as a company. I don't remember the date of those contracts, but it was, my remembrance is, about midsummer 1941 we started.

10. General FRANK. At that time, were you a member of the Hawaiian Constructors?

Mr. BENSON. No.

11. General FRANK. You did that as an independent firm?

Mr. BENSON. Yes; we were associated with Pacific Bridge Company in this particular contract.

12. General FRANK. Later you became associated with Hawaiian Constructors, did you?

Mr. BENSON. I did.

13. General FRANK. And they had a central council or a central group that acted on matters of policy, did they not?

Mr. BENSON. Well, we had what we called the "executive committee."

14. General FRANK. Were you a member of that executive committee?

Mr. BENSON. I was.

15. Major CLAUSEN. Mr. Benson, you were operating here as a contracting organization in the month of November or December, 1940, were you not?

Mr. BENSON. No; our firm was started in '18, and had been operating ever since then.

16. Major CLAUSEN. 1918?

Mr. BENSON. Yes.

17. Major CLAUSEN. You were right here in Honolulu, ever since 1918?

[3722] Mr. BENSON. Yes.

18. Major CLAUSEN. Mr. Benson, did anyone from the district engineer's office, up to the time this contract was made between the Government and Hawaiian Constructors, ever come to you to ask whether you would be interested in the forthcoming work under that contract?

Mr. BENSON. No.

19. General RUSSELL. Before you go on, let us connect that up. Were you available to have taken part of that work in December, 1940, your company?

Mr. BENSON. Yes.

20. General RUSSELL. Were you engaged at that time in any work for the Navy, in December 1940?

Mr. BENSON. I don't think so. I am pretty sure we were not. It would be a very small job, if we were.

21. General RUSSELL. But you were open for a contract, in 1940?

Mr. BENSON. Yes.

22. Major CLAUSEN. This basic contract was in the sum of \$1,067,000. You were never given an opportunity to bid on that, were you?

Mr. BENSON. No.

23. Major CLAUSEN. Or on any part of it?

Mr. BENSON. No.

24. Major CLAUSEN. In the situation as it existed in 1940, Mr. Benson, do you know whether it was necessary to bring here this Rohl-Connolly, Shirley-Gunther, Callahan organization?

Mr. BENSON. That is a very hard question to answer. It [3723] depends. Of course, it was a million and how much, the first contract?

25. Major CLAUSEN. Well, that was a million dollars.

Mr. BENSON. Well, if it was a million dollars, of course, it wasn't; but if they had other large work in view, perhaps it was. I am just not prepared to answer that question.

26. Major CLAUSEN. Let us say, as of Pearl Harbor, December 7, 1941; assume the contract at that time was something like \$11,000,000 worth of work to be performed: from what you know of the character of that work, the whole \$11,000,000 worth of it, do you believe that the local contractors would have handled it as expeditiously and as economically as it was handled by the Hawaiian Constructors.

Mr. BENSON. I would say Yes.

27. General FRANK. Do you think that the Hawaiian Contracting Company, Black, McKee, McClure, Woolley, and the Pacific Construction Company could have associated together as coadventurers and could have handled this thing?

Mr. BENSON. Well, of course, Black, I think, at that time had quite a lot of Navy work, and Woolley had quite a lot of Navy work. Now, it would require a good deal of study to answer that question properly and correctly.

28. General FRANK. But you had some pretty good organizations here?

Mr. BENSON. Oh, yes.

29. General FRANK. That is, in the Hawaiian Contracting Company, in McKee, and in the McClure Company?

Mr. BENSON. Yes.

30. General FRANK. They were sound, reputable organizations and concerns with plenty of financial backing?

[3724] Mr. BENSON. That is right.

31. General FRANK. And is there any question about their ability to have handled an \$11,000,000 project?

Mr. BENSON. No.

32. Major CLAUSEN. As a matter of fact, Mr. Benson, you are of the opinion, or, rather, you were of the opinion, when Colonel John E. Hunt questioned you, that not only could these local men have done the job which existed as of Pearl Harbor, but they could have done it more expeditiously and more economically, isn't that correct?

Mr. BENSON. I am just trying to recollect just what I told Colonel Hunt.

33. Major CLAUSEN. Would you like me to read a portion of the testimony?

Mr. BENSON. I would.

34. Major CLAUSEN. Yes, sir.

Question. Well, from what you know of the situation as it was known to exist in 1940, do you have an opinion as to whether or not it was necessary to bring the Rohl-Connolly, Shirley-Gunther and Callahan organization over here?

Answer. Well, I think I have answered that as far as I am concerned in saying that it could have been done by the local contractors.

Question. All right. I will put it in a different way. As I understand it, between the time that that contract was awarded on December 20, 1940, and the date of the attack on Pearl Harbor, something like eleven million dollars' worth of work was performed?

Answer. Yes.

Question. Now, from what you know of the character [3725] of that work, the whole eleven million dollars' worth of it, do you believe that the local contractors would have handled it as expeditiously and as economically as it was done by the Hawaiian Constructors?

Answer. I do.

Question. Do you think they could have done it more expeditiously or more economically?

Answer. Well in my opinion, yes. (P. 464.)

Do you recall giving that testimony?

Mr. BENSON. Yes.

35. Major CLAUSEN. And you think it is correct, is it?

Mr. BENSON. I think that is correct.

36. Major CLAUSEN. This Pacific Bridge Company that you mentioned—that was a mainland firm doing business over here, was it not?

Mr. BENSON. Yes.

37. Major CLAUSEN. And that is a pretty good-sized outfit, in itself, isn't it?

Mr. BENSON. Yes. It was. They had a good deal of work at the time. I got them into the Kapalama job just to build up our organization, to help us, the truth told. They built a drydock at Pearl Harbor for all those, the three drydocks.

38. Major CLAUSEN. They had not only done that, but they built the piers of the Golden Gate Bridge, did they not, many of them?

Mr. BENSON. Yes. They had some very large work.

39. Major CLAUSEN. That was a mainland firm?

Mr. BENSON. In San Francisco.

[3726] 40. Major CLAUSEN. Now, how did you happen to get into this Hawaiian Constructors co-adventurer thing, then, if you were not invited in at the start, Mr. Benson?

Mr. BENSON. Well, the Kapalama contract had a recapture clause, and on December 7, the U. S. E. D. grabbed all our plant, wherever it was, in Maui and around here, and a little later they asserted the recapture clause and took over that; and I went to Colonel Wyman, some time in December, I think about the middle of December, and told him that he had our plant, that there didn't seem to be any chance of getting by, and he ought to make a clean sweep of it, and he agreed, and our plant was taken over.

41. General FRANK. What do you mean by "make a clean sweep"?

Mr. BENSON. Of our plant.

42. General FRANK. Taking it all?

Mr. BENSON. Of taking it all.

43. General FRANK. He had not taken it all, up to that time?

Mr. BENSON. He hadn't taken it all, up to that time.

44. General FRANK. What part had he not taken?

Mr. BENSON. Well, I just can't tell you that, off-hand. When we went into this job, we submitted to the Negotiating Office, in Washington, a full list of our plant with valuations. That was made a part of the Kapalama contract, and that is the basis on which we sold our plant, and the basis on which we took over.

45. General FRANK. Who made the valuation?

Mr. BENSON. We did; and it was subject of course to approval by the officer in charge.

46. General FRANK. Do you know whether a representative of the Corps of Engineers had an appraiser on it?

[3727] Mr. BENSON. It was appraised.

47. General FRANK. By whom?

Mr. BENSON. Robley, for the engineers; a man named Robley; Gentry, for the Hawaiian Constructors, though I do not see why that should have come into it; and a man named Ross, who was our shop foreman for us. They agreed on an appraisal, and the money was paid.

48. General FRANK. Was all the equipment completely serviceable?

Mr. BENSON. All was completely serviceable. There was some marginal equipment, and that fact was reflected in the price.

49. Major CLAUSEN. At any event, isn't it correct that Mr. Rohl came to you and said he would like you to join the Hawaiian Constructors on this Hawaiian job?

Mr. BENSON. That is correct.

50. Major CLAUSEN. You were not only not invited in at the initial stages, but when Mr. Rohl came to you and invited you in, he wanted you to buy a 20% interest?

Mr. BENSON. That is right.

51. Major CLAUSEN. And did you buy a 20% interest?

Mr. BENSON. We did.

52. Major CLAUSEN. How much did you pay?

Mr. BENSON. We paid very close to \$100,000.

53. Major CLAUSEN. To whom?

Mr. BENSON. To Gunther & Shirley, Rohl-Connolly, and Callahan Construction, who all surrendered a portion of their holdings.

54. Major CLAUSEN. And that was when, Mr. Benson?

[3728] Mr. BENSON. I think that was effected about June 1941. Now, this is from memory, and I am not sure, but somewhere around mid year.

55. Major CLAUSEN. If you want, I could read a portion of the testimony you gave Colonel Hunt on that.

Mr. BENSON. If you would.

56. Major CLAUSEN. This is set forth on page 467:

Question. Do you happen to know whether it was at anybody's further request?

Answer. I do not. Towards the latter end of December, Mr. Rohl informed me that he would like to have us join his organization and that we could have a 20% interest. This we were supposed to buy, and this stayed in a very nebulous state until I think in May when we agreed to a price that was paid for the interest, and I believe it was made before the supplement was finally signed by the Chief of Engineers.

Does that refresh your recollection?

Mr. BENSON. Yes; I think that is right.

57. Major CLAUSEN. This testimony refers to December, Mr. Benson, of what year?

Mr. BENSON. 1941.

58. Major CLAUSEN. And was the Chief of Engineers advised of this payment by you to the Rohl outfit of \$100,000?

Mr. BENSON. I could not tell you.

59. Major CLAUSEN. Do you have any papers from which you could refresh your recollection on that?

Mr. BENSON. No; I wouldn't know whether he was. He was advised, of course. We had to have some supplemental agreement [3729] to get in under the contract; but whether he was ever advised of the price we paid, I didn't know.

60. Major CLAUSEN. But the agreement by which you entered into this deal was just simply a fact that you were being brought in by the Hawaiian Constructors, which did not represent on there any price as having been paid, at all?

Mr. BENSON. No.

61. Major CLAUSEN. But you remember that you did tell that to Colonel Wyman?

Mr. BENSON. No, I don't. I don't remember. I may have; I am not denying that, at all; but I don't remember that I did tell him.

62. Major CLAUSEN. Do you remember ever having any talk about that with Colonel Wyman?

Mr. BENSON. No, I don't. I may have, as I say; I am not denying that I did, but I have no recollection at this time, and I don't know whether I could refresh my memory on it.

63. Major CLAUSEN. Do you remember having mentioned it to any employee or officer in the U. S. E. D.?

Mr. BENSON. No.

64. Major CLAUSEN. Mr. Benson, are you familiar with a transaction whereby there was purchased from Rohl-Connolly Company equipment for a price of about \$166,000?

Mr. BENSON. I know of the transaction, but I am not familiar with it.

65. Major CLAUSEN. Did you know at the time of the transaction that the original appraisal had been some \$131,000?

Mr. BENSON. I knew there was a difference.

66. Major CLAUSEN. What part did you play in that?

[3730] Mr. BENSON. No part.

67. General FRANK. Were you a member of the Hawaiian Constructors, Mr. Benson.

Mr. BENSON. Yes, I was.

68. Major CLAUSEN. Do you know anything about the yacht VEGA?

Mr. BENSON. Well, I have heard enough about it to know something about it, but it is mostly hearsay, except the chartering or subletting, of course. I have read all those, and I knew when she got here. I don't believe I ever saw her. I might have passed there, but I never was on board of her.

69. Major CLAUSEN. By the way, what office did you hold in the Hawaiian Contracting Company, during this time?

Mr. BENSON. President and manager.

70. Major CLAUSEN. And did Mr. Dillingham have an interest in it?

Mr. BENSON. He has an interest, but he isn't an officer or a director.

71. Major CLAUSEN. He had an interest at the time?

Mr. BENSON. Yes; he has always. He is one of the founders of the company.

72. Major CLAUSEN. What part of this \$100,000 did he pay?

Mr. BENSON. Who—Mr. Dillingham?

73. Major CLAUSEN. Yes, sir—if any.

Mr. BENSON. He didn't pay anything. The Hawaiian Contracting Company paid that. They are a corporation.

74. Major CLAUSEN. Was its treasury replenished by Mr. Dillingham to any extent to make up this \$100,000?

Mr. BENSON. No, no; a pure business transaction between the Hawaiian Contracting Company and these parties.

[3731] 75. Major CLAUSEN. The Hawaiian Contracting Company sold some equipment, did it not, to the Government, for a price something like \$156,000?

Mr. BENSON. Yes.

76. Major CLAUSEN. Do you remember quite a bit of discussion as to the fact that some of that was not usable?

Mr. BENSON. Yes; I do, very keenly.

77. Major CLAUSEN. I beg your pardon, sir?

Mr. BENSON. Very keenly.

78. Major CLAUSEN. Tell the Board about that.

Mr. BENSON. Well, you have got to go back to December 7, when we were woefully short of equipment down here; and remember that when December 7 came, why, they just grabbed plant wherever they could. A portion of that was under this recapture clause of our Kapalama contract. That has never been questioned; but that went in at the same price, it was taken from the same list that our final price went in on.

As I have stated, some of this plant was marginal, inasmuch as it wasn't up to date; but as things looked then, every piece of it could have been used, and a good deal could have been used that wasn't used, as a matter of fact.

79. Major CLAUSEN. Well, you know there was discussion about certain outmoded equipment that was included in this equipment?

Mr. BENSON. Yes; I think Colonel North had something about "horse-drawn wagons." Well, there were no horse-drawn wagons, at all. There were some wagons at, I think, \$50 apiece, but they were planned to work on a chain drawn by a tractor. We bought those for grade work on Kauai, where a truck couldn't possibly go up; and we kept them. They were in good order, [3732] and I have photographs to show the order they were in.

80. Major CLAUSEN. The engineers did not take much of this equipment, though, when they bought it, did they?

Mr. BENSON. No; not all of it. It was an insignificant amount, as a matter of fact. The mighty crane was left in the yard, there, but was working for the engineers constantly in assembling their plant. Now, that is one of the pieces they brought out.

81. Major CLAUSEN. You feel it was a fair deal?

Mr. BENSON. I feel it was a fair deal, and I can tell you this fact, that if somebody had come in the office before this thing ever happened and offered us the total cash that we got for all our plant, they would have walked out without the plant. It ended up by putting us out of business; and we have been out of business ever since.

82. Major CLAUSEN. By the way, you were part of the Hawaiian Constructors, through the Hawaiian Contracting Company, right up to the end, is that correct?

Mr. BENSON. Yes.

83. Major CLAUSEN. What was the total fee, Mr. Benson, that was paid under the basic contract, and all supplements, to the Hawaiian Constructors?

Mr. BENSON. I just cannot tell you that exactly. I think the fee on the work was something like a million and 70 or 80 thousand dollars, and the work done was \$108,000,000, if I remember rightly. That was the work completed.

84. Major CLAUSEN. You say the total fee was only 70 or 80 thousand?

Mr. BENSON. One million 70 or 80 thousand.

85. Major CLAUSEN. You mean on the basic contract?

[3733] Mr. BENSON. Oh, on the basic contract.

86. Major CLAUSEN. And all the supplements?

Mr. BENSON. Yes; on the total thing, the total fee.

87. Major CLAUSEN. Oh, you mean the total fee was \$1,080,000?

Mr. BENSON. That's it.

88. Major CLAUSEN. I have no further questions, now.

89. General RUSSELL. Two or three questions, Mr. Benson.

You state that your company paid to the Hawaiian Constructors approximately \$100,000 for the privilege of becoming one of the joint adventurers?

Mr. BENSON. For a 20 percent interest.

90. General RUSSELL. Now, at the time that payment was made, what if any material rights did you acquire? By that I mean, did you get any material, or was it just an intangible interest in the right to make money thereafter?

Mr. BENSON. No, we got a 20 percent interest, which went back to the inception of the contract. In other words, we got a 20 percent interest, just as if we had been originally in the company.

91. General RUSSELL. Now, let us assume, to be practical about it and in order that we may understand that deal, that they had earned \$200,000 of this over-all fee of \$1,070,000; then you would have gotten 20 percent of the \$200,000 in the eventual settlement; you got your 20 percent interest in whatever part of the fee had been earned up until the time your company went in?

Mr. BENSON. That is right; just as if we had started.

92. General RUSSELL. Were there any other assets of any sort which belonged to the Hawaiian Constructors, in which you acquired rights by virtue of this payment of about \$100,000?

Mr. BENSON. Nothing that I can think of. They didn't [3734] own anything.

93. General RUSSELL. Now, let us say the contract would have stopped the day after you gave them your \$100,000, and you had distributed the accumulated assets of the Hawaiian Constructors as of that date; about how much would the assets have amounted to?

Mr. BENSON. We paid, in May. I just cannot tell you that, because I would have to know how much of the fee was earned by May. You see when we took the 20 percent interest—just let me explain a minute—that was on December 31.

94. General RUSSELL. Of what year?

Mr. BENSON. 1941. There was no price set at that time. That price was to be adjudicated, and we argued back and forth over that. If the job had been terminated in January, we would not have agreed to pay in \$100,000, see?

95. General RUSSELL. So there were two elements of value in the rights which you acquired by virtue of a payment of this money; first, the fee which had been earned to the time of the payment; and second, the possibility of future earnings?

Mr. BENSON. That is right.

96. General RUSSELL. And your \$100,000 was a consideration for both of those things?

Mr. BENSON. That is right.

97. General RUSSELL. Now, could you tell us roughly how much of this \$100,000 purchase price would properly be allocated to the future earnings, and how much, to earnings already made?

Mr. BENSON. No; I couldn't, because I didn't pay this \$100,000 until I was sure that we were all right in paying that amount. We had about a thousand men on Kapalama. They came into the Hawaiian Constructors. They were Hawaiian Contracting Company men. We contributed those. We had a couple of what would have developed into several contracts, that we waived, and went in.

[3735] 98. General RUSSELL. Those rights were substantial, but intangible?

Mr. BENSON. But intangible, that is right.

99. General RUSSELL. Now then, at the time you went into this agreement and paid your \$100,000 and became a part of this venture, you had what you were then referring to as a plant, which, as a matter of fact, was largely equipment?

Mr. BENSON. No, not at that time. Our plant was all gone at that time when I paid the \$100,000.

100. General RUSSELL. You mean, you had sold out all the stuff that you had acquired for \$156,000, prior to the time that you acquired this interest?

Mr. BENSON. That is right.

101. General RUSSELL. Therefore, when you made your sale to the government, the Engineers Department, you were no longer in business?

Mr. BENSON. Except that I had an organization of 1,000 men.

102. General RUSSELL. And you turned around and gave \$100,000 out of your \$156,000 for the right to go in with these people?

Mr. BENSON. That is right.

103. General RUSSELL. And participate in the profits?

Mr. BENSON. That is right.

104. General RUSSELL. Now then, thereafter you became a member of the executive committee, as I understand it?

Mr. BENSON. That is right.

105. General RUSSELL. And that executive committee had the fixing of the policies of these Constructors, Hawaiian Constructors?

[3736] Mr. BENSON. That is yes and no.

106. General RUSSELL. Qualify it, if you want to.

Mr. BENSON. Our work was divided up to a certain extent. My job, because I came in late and was unacquainted with the organization itself, was principally in the office. Mr. Woolley took the outside islands, Mr. Rohl and Mr. Grafe out in the field.

107. General RUSSELL. You, Rohl and Woolley, after Grafe's departure, constituted this executive committee?

Mr. BENSON. That is right.

108. General RUSSELL. When you first went into this association a man by the way of Wyman, Colonel Wyman, represented the Engineering Department, the United States Government, is that right?

Mr. BENSON. Yes.

109. General RUSSELL. And he was there until late February or early March of 1942, when he was relieved, and a man by the name of Colonel Lyman became District Engineer?

Mr. BENSON. Yes.

110. General RUSSELL. You worked under both of those?

Mr. BENSON. Under both of those.

111. General RUSSELL. Were you intimately associated with the two in a business way, would you say?

Mr. BENSON. Colonel Lyman, of course, I have known for a great many years, and I would say there was quite a friendly relationship, but Colonel Wyman was just mainly business. I would call him and he would call me. My relationship with him was business; that is the only time I saw him, unless just before he left.

[3737] 112. General RUSSELL. I want to ask you this question: The smoothness of the operation of the Hawaiian Constructors in their accomplishment of this contracting business here on the islands, was that affected by the Engineer's Office under which you operated or with which you operated?

Mr. BENSON. The period after the blitz was a period of great confusion. We blamed the Engineer and the Engineer blamed us for various things. I think we both did what would have been expected under the circumstances.

113. General FRANK. Could the circumstances have been improved?

Mr. BENSON. Well, the Japs brought that out.

114. General FRANK. I mean the circumstances under which the work was done.

Mr. BENSON. I don't believe so, General. Everybody was hysterical at the time. If any of you gentlemen were down here, we were all jittery. We didn't know when we were going to be attacked again. We didn't know whether we were going to get any equipment or any men from the coast, millions of dollars of equipment on the coast there. We didn't know when we were going to get it. We didn't know when we were going to get supplies. It was not until after Midway that things really settled down in our minds.

And everything had to be done at one time. As I understand, before the blitz we were short of materials and short of equipment, and the priorities exercised then were to get the most out of the men without any priority on jobs. Now, I think that is right. Of course, I was not connected then, but from what I heard that is right. After that priorities were established on jobs and changed very rapidly. The Commanding [3738] General would see something that had to be done now and would grab men off one job and put them onto another. The material was supplied. It was really a pretty bad situation. I don't think the circumstances could have been helped much.

115. General RUSSELL. Now then, as you got along into the spring, Mr. Rohl left here and went back to the continent?

Mr. BENSON. Yes, he went back a couple of times.

116. General RUSSELL. I mean he left the islands and was no longer a member of this executive committee?

Mr. BENSON. Oh, no. He was back and forth.

117. General RUSSELL. Until the end?

Mr. BENSON. It was very near the end. I don't know when he left last, but my remembrance would be November, 1942, when the contract was terminated on January 31, of 1943. That is just my remembrance.

118. General RUSSELL. Is it not a fact, Mr. Benson, that Mr. Rohl was asked to leave here along in May or June of 1942 by the District Engineer, Colonel Lyman, because Lyman thought that operations would be better without Rohl than with him?

Mr. BENSON. If that is so, I was not informed of it.

119. General RUSSELL. How frequently did you people have committee meetings?

Mr. BENSON. Well, we were all in the office every day. I was there while the heat was on every day and every night.

120. General RUSSELL. Give us a rough estimate of how much of the time Rohl spent on the islands after June of 1942 until the termination of the contract?

Mr. BENSON. I hate to do that. I can give you the exact dates he went away and the exact dates he came back, but I just [3739] hate to make a wild guess at it.

121. General RUSSELL. You could give us that for the record?

Mr. BENSON. Yes.

122. General RUSSELL. Could you do that some time tomorrow?

Mr. BENSON. Yes.

123. General RUSSELL. Just give us a memorandum of it.

Mr. BENSON. I tell you; I understand Mr. Woolley is coming on and he has all the records. If you ask him that same question he

can get the records.

124. General RUSSELL. Will you confer with Woolley after you go away from here and see whether or not he can furnish those?

Mr. BENSON. Yes.

125. General RUSSELL. I want to go back just for one or two more questions to clarify the situation about the sale of the equipment. You were out here on an island, as I understand it, away from Oahu, doing some work, or doing some work on some part of Oahu on December 7th, 1941; is that right?

Mr. BENSON. We were doing work on Maui.

126. General RUSSELL. On December 7th, 1941?

Mr. BENSON. That is right.

127. General RUSSELL. Is it true that the government just came and took the plant and equipment and said they were going to use it?

Mr. BENSON. Yes.

128. General RUSSELL. And then it became necessary for you to negotiate with them for a price for the property which they had already taken over?

Mr. BENSON. That is right.

129. General RUSSELL. Did you have anything to do with telling [3740] the government which part or parts of that equipment they could take, or did they select the parts they wanted?

Mr. BENSON. They took wherever they saw it.

130. General RUSSELL. And left some parts there?

Mr. BENSON. Yes. They took what they needed immediately. That that they needed, they took. Nobody said nay to anything that anybody wanted at that time.

131. General RUSSELL. What percentage of your equipment or plant did the government take charge of and move in here away from you where you were operating and begin to use?

Mr. BENSON. That would be pretty hard to tell. A large percentage.

132. General RUSSELL. 75 per cent?

Mr. BENSON. I would say so.

133. General RUSSELL. Then that left you with what they didn't want?

Mr. BENSON. That is right.

134. General RUSSELL. And you could not operate with the stuff they left you?

Mr. BENSON. That is right.

135. General RUSSELL. And this marginal stuff about which you have testified is the part of the equipment which they left?

Mr. BENSON. Yes, sir.

136. General RUSSELL. That is all.

137. General FRANK. Mr. Benson, was the Hawaiian Constructors an incorporated outfit?

Mr. BENSON. No.

138. General FRANK. From whom did you buy a 20 per cent interest for \$100,000?

[3741] Mr. BENSON. I bought from the individuals, from the Callahan Construction Company, Rohl-Connolly, Gunther-Shirley. They each put in a percentage of their holding to make my 20 per cent.

139. General FRANK. It was not a corporation; they were not banded together into a single organization for purposes other than

to be co-adventurers for the United States Government in Hawaiian constructing? The government had taken your plant for \$156,000 and had given it to the Hawaiian Constructors for use, is that correct?

Mr. BENSON. That is right.

140. General FRANK. Then they did the same thing with the plant of the Callahan, Rohl-Connolly and Gunther-Shirley companies?

Mr. BENSON. I don't know.

141. General FRANK. Do you know whether Rohl-Connolly, Gunther-Shirley, and W. E. Callahan had bought themselves into this organization?

Mr. BENSON. No. They were the originators of it. They went in together and each one put up so much money as a working fund, and that gave them an interest. Later on R. E. Woolley came in and he put up his proportion. When I came in I bought part of the ownership of the three members who were already in, so instead of putting up my proportion of the working fund I bought from them.

142. General FRANK. When did you come in? In May when?

Mr. BENSON. I came in on paper December 31, 1941, but I paid for it, according to the record, in May.

143. General GRUNERT. You actually became a stockholder in [3742] each one of those companies?

Mr. BENSON. No. There was only one company; it is one joint venture, and their interests—

144. General FRANK. Do you remember the date in May that you came in?

Mr. BENSON. I came in in December.

145. General FRANK. I know that.

Mr. BENSON. Except that I had not paid—I don't know the date.

146. General FRANK. From May, 1942, this was?

Mr. BENSON. That is right.

147. General FRANK. You came in in May, 1942, and from May, 1942 to January 1st, 1943, that was eight months?

Mr. BENSON. Yes.

148. General FRANK. And according to your own figures the profits were around \$1,070,000. 20 per cent is \$215,000. Therefore, in eight months you got over 100 per cent interest on your money, didn't you? That is a pretty good investment, is it not?

Mr. BENSON. I would not consider that as eight months. I was in there aaround January 1st, 1942, I was in that organization, and I worked from that time on for that organization, and my organization went in at that date and worked.

149. General FRANK. Even so, 100 per cent realization on your investment is pretty good, in one year?

Mr. BENSON. Well, of course, that fee is not all profit. There were non-reimbursable items, and plenty of them, that the Hawaiian Constructors had to pay themselves, pay out of that fee. That was not all profit. It was a good investment. [3743] No question about that.

150. Colonel TOULMIN. Did you get a salary?

Mr. BENSON. From the Hawaiian Constructors?

151. Colonel TOULMIN. Yes.

Mr. BENSON. No.

152. Colonel TOULMIN. Who paid your salary?

Mr. BENSON. The Hawaiian Contractors.

153. Colonel TOULMIN. How about the others, like Mr. Woolley, Rohl, and the rest of them?

Mr. BENSON. Wait a minute. I would like to correct that. There was a period when Woolley and I were down here alone. They made an allowance, which I paid into the Hawaiian Contractors, because I was on a salary from them. I will have to check that.

154. Colonel TOULMIN. Was it \$5,000, \$10,000, \$15,000; what kind of a salary?

Mr. BENSON. No, three months they allowed—

155. Colonel TOULMIN. What amount?

Mr. BENSON. I am trying to think. I have just got a blank on this, but if I had my guess on it I would guess \$250 a month for three months.

156. Colonel TOULMIN. That is the salary that was paid?

Mr. BENSON. Yes.

157. Colonel TOULMIN. How about the others?

Mr. BENSON. No salary.

158. Colonel TOULMIN. This arrangement of the Hawaiian Constructors was just a partnership and when you bought in a 20 per cent interest there was a new alignment of interests?

Mr. BENSON. Yes, sir.

[3744] 159. General RUSSELL. The questions Colonel Toulmin has asked you has brought up some questions that I want to develop but which have not been developed so far. The government agreed to pay a fixed fee for this supervision by Callahan and you and others. Where down the line did the government start paying people? Do you get the point I am after. They did not pay you or Rohl or Grafe, apparently, any money at all. Your time was paid for out of this fixed fee.

Mr. BENSON. They paid all salaries that legitimately belonged to the work, except some that were in excess of their regulation, that could not be paid out of their fee, that is, we had to hire some men who would not come for the top fee that the Engineer would allow. Those we paid.

160. General RUSSELL. Let us be definite about your organization, the Hawaiian Contracting Company. You were in there as the president and general manager of that corporation?

Mr. BENSON. Yes, sir.

161. General RUSSELL. You had other executives in that corporation, too, didn't you?

Mr. BENSON. Yes.

162. General RUSSELL. A vice president, secretary-treasurer, and those people?

Mr. BENSON. Yes.

163. General RUSSELL. Now, were those other executives in the Hawaiian Contracting Company paid by the Hawaiian Contracting Company, or was that a—

Mr. BENSON. They were paid by the Hawaiian Contracting Company. The government did not pay a cent.

164. General RUSSELL. So your top organization then had to be paid out of this fixed fee, out of your part in the fixed fee?

Mr. BENSON. Yes.

165. General RUSSELL. I wonder where the line would be drawn [3745] as to who was paid by the Contracting Company and who was paid by the Government?

Mr. BENSON. There is a clause, I think, in the contract, that no part of the Contractor's general overhead would be paid by the government. We ran a separate organization. Everybody there worked for the Hawaiian Constructors on government work and did nothing for any of the other parties in the case.

166. General RUSSELL. They were paid by whom?

Mr. BENSON. They were paid by the government. The government paid all the costs.

167. General RUSSELL. Who were the people that were paid out of this fixed fee?

Mr. BENSON. Well, each one of us had an organization.

168. General RUSSELL. How big was your organization that was paid out of the fixed fee?

Mr. BENSON. We worked with the Hawaiian Dredging Company on a split basis, that is, we would divide up the work in the office in proportion at that time. We have altogether an engineer, cost accountant, assistant cost accountant, cashier, bookkeeper, purchasing agent, stenographers, payroll clerks—I cannot tell how much money went against that from our organization without going into quite a study.

169. General RUSSELL. All these people you just furnished the names of and others in the same category were paid out of this fixed fee and were not paid by the government?

Mr. BENSON. They were not paid by the government. There was no money paid by the government except the people that devoted their full time to the work of the government.

[3746] Major CLAUSEN. Mr. Benson, do you have any papers which will refresh your recollection as to whether Colonel Wyman was advised of this \$100,000 deal?

Mr. BENSON. No, sir, I have not.

171. Major CLAUSEN. Do you have papers evidencing your participation of the 20 per cent of the \$100,000 and any allied papers in connection with that?

Mr. BENSON. Well, we have an agreement of sale, but Colonel Wyman had nothing to do with that.

172. Major CLAUSEN. Would you produce that tomorrow?

Mr. BENSON. Yes, sir.

173. Major CLAUSEN. What portion, Mr. Benson, of the total profit which accrued to the Hawaiian Contracting Company on this job went to Mr. Dillingham?

Mr. BENSON. That is a rather peculiar question. The only profit that goes to Mr. Dillingham is a profit by reason of his stockholdings, dividends.

174. Major CLAUSEN. What portion of the stock during this time did Mr. Dillingham own in the Hawaiian Contracting Company?

Mr. BENSON. Let me see. My guess would be that he owned about a ten per cent interest.

175. Major CLAUSEN. That is all.

Mr. BENSON. But, understand, there is no earmarking of any particular amount here. When we have got money to pay dividends, we pay dividends; and he gets his proportion the same as I do or any other stockholder.

176. Major CLAUSEN. Of course, I had understood from what you told General Frank that you were out of business and this was the final wind-up of your business.

[3747] Mr. BENSON. No, we are still in business.

177. Major CLAUSEN. What is that, sir?

Mr. BENSON. That is, we are ready to get into business.

178. Major CLAUSEN. You are ready to get into business?

Mr. BENSON. We have a quarry out at Kauai that is still running, and we have a small repair yard with a few men in it.

179. Major CLAUSEN. In other words, you have assets?

Mr. BENSON. Yes, but outside of that our main work is through. We are not doing anything.

180. Major CLAUSEN. That is all.

181. General GRUNERT. Are there any other questions?

Mr. Benson, do you think of anything else that you might tell the Board that might be of assistance to it on any of the subjects that relate to the attack on Hawaii and to the construction at that time?

Mr. BENSON. I can give you my personal opinion of Colonel Wyman.

182. General GRUNERT. If you so desire, we would like to have it.

Mr. BENSON. I would like to give it, because I think it is due him.

I think he did a wonderful job. As I say, there was great confusion. I think possibly he tried to do too much and carried too much himself. As far as the work was concerned, he pushed it and pushed it hard. He worked hard himself. I have been over there, I was going to say many, but more than a few evenings, when we had to go over there or were called over, and we had been there to 11 or 12 o'clock, and when we left he had two stenographers and had a stack of papers on his desk that [3748] high and was going at it. At 8 o'clock the next morning he would make the rounds with the Commanding General.

Of course, in the great confusion and the grabbing of stuff after the blitz, proper orders were not given. When we came to get our pay we just could not get it. That just raised a very great howl against Colonel Wyman, and no doubt I joined in it myself. Looking back over it, I think we were wrong.

183. Major CLAUSEN. Is he a shareholder in this Hawaiian Contracting Company?

Mr. BENSON. No, sir.

184. Major CLAUSEN. Is he a shareholder in any of the other companies?

Mr. BENSON. No, sir.

185. Major CLAUSEN. Is any of his family or relatives, to your knowledge, shareholders in any of those companies?

Mr. BENSON. No, sir. Not to my knowledge. I know he was not in with Woolley. He was not in the Hawaiian Contracting Company and I know he was not in the Hawaiian Constructors. That is as far as I can say of my own knowledge.

186. General RUSSELL. You have gone into the work of Colonel Wyman. Now, you had to do with rather big operations in your

time, haven't you, with top-flight executives and successful operators; isn't that correct?

Mr. BENSON. That is right.

187. General RUSSELL. Did you gather the opinion in estimating Colonel Wyman's work that he was attempting to do a lot of things that he should have been doing by an organization and give him a chance to have acted as a top-flight executive, rather than being tied to his desk all the time?

Mr. BENSON. That very well might be, sir.

188. General RUSSELL. Did you get that impression?

[3749] Mr. BENSON. Yes, I got that.

189. General GRUNERT. Any other questions? If not, we thank you.

Mr. BENSON. All right, sir.

(The witness was excused, with the usual admonition.)

[3750] **TESTIMONY OF RALPH E. WOOLLEY, 2349 OAHU AVENUE,
HONOLULU, T. H.**

(The witness was sworn by the Assistant Recorder and advised of his rights under Article of War 24.)

1. Major CLAUSEN. What is your full name?

Mr. WOOLLEY. Ralph E. Woolley.

2. Major CLAUSEN. And your residence?

Mr. WOOLLEY. 2349 Oahu Avenue, Honolulu.

3. Major CLAUSEN. What is your business or occupation?

Mr. WOOLLEY. General contractor.

4. Major CLAUSEN. And what is the name of that firm, Mr. Woolley?

Mr. WOOLLEY. It is under my name, Ralph E. Woolley.

5. Major CLAUSEN. You recall having been associated with the Hawaiian Constructors in the defense work here on the Islands with regard to a contract dated December 1940, and its supplements?

Mr. WOOLLEY. Yes, sir.

6. Major CLAUSEN. When did you join that joint venture of the Hawaiian Constructors?

Mr. WOOLLEY. It was sometime in May.

7. Major CLAUSEN. Of what year, Mr. Woolley?

Mr. WOOLLEY. '41.

8. Major CLAUSEN. And did you pay a consideration to the Hawaiian Constructors for that interest?

Mr. WOOLLEY. Yes, I did. I put in—

9. Major CLAUSEN. How much?

Mr. WOOLLEY. I couldn't—I can give you it exactly, but my recollection is it was in the neighborhood of \$65,000, [3751] which was a 20 percent interest.

10. Major CLAUSEN. You got that interest for \$65,000?

Mr. WOOLLEY. That is, I put up \$65,000 of capital, which was on the same basis that the others put up, and that I was given a 20 percent interest.

11. Major CLAUSEN. Before you made that deal, had you sold any equipment to the Government?

Mr. WOOLLEY. No, sir.

12. Major CLAUSEN. Let me ask this question: Prior to the time this basic contract of December 1940 was executed, were you ever approached by Colonel Wyman or any of his assistants or men connected with the Engineers, with a view to determining whether or not you would be interested in taking on any of the work that was contemplated?

Mr. WOOLLEY. No, sir.

Major CLAUSEN. You paid this \$65,000 in May 1942; isn't that right?

Mr. WOOLLEY. I wouldn't be sure of the exact date, but that was the date—

14. General FRANK. The year?

Mr. WOOLLEY. The time when I was admitted.

15. Major CLAUSEN. May 1942?

Mr. WOOLLEY. '41.

16. Major CLAUSEN. '41?

Mr. WOOLLEY. Yes.

17. Major CLAUSEN. I see. May '41?

Mr. WOOLLEY. May '41.

18. Major CLAUSEN. Did Colonel Wyman, before this basic contract of December 1940 was signed, or any of his assistants, [3752] ever approach you with regard to using any of your equipment on this job?

Mr. WOOLLEY. No, sir.

19. Major CLAUSEN. Would you have been in a position in December 1940 to have taken on some of the work that was included within that basic contract and the supplements?

Mr. WOOLLEY. It depends entirely on what kind of work would have been offered.

20. Major CLAUSEN. You would have been able to take some of the work?

Mr. WOOLLEY. To take some of the work.

21. Major CLAUSEN. Yes, sir. And if you had been advised that there was to be this basic contract in existence, would you have been desirous of taking on this work, at December 1940?

Mr. WOOLLEY. I am not sure that I would, because I was doing some work for the Navy at that time.

22. Major CLAUSEN. Well, do you recall having given testimony before Colonel John E. Hunt, of our Inspector General's Department?

Mr. WOOLLEY. Yes, sir.

23. Major CLAUSEN. Let me just read a portion of that testimony on page 448:

Question. As I recall it, the Hawaiian Constructors' contract was effective as of December 20, 1940, is that right?

Answer. I think that is.

Question. I think that is the approximate date.

Answer. I know it is the latter part of 1940.

[3753] Question. At that time would you have been in a position to undertake any of the work that you now understand to have been included in the original Hawaiian Constructors' contract?

Answer. Yes, I would have been able to have taken on some of that work.

Question. If you had been advised that is was going on, would you have been desirous of taking it on?

Answer. I would have been.

Do you remember giving that testimony?

Mr. WOOLLEY. Yes, I do.

24. Major CLAUSEN. Well, which statement is correct, Mr. Woolley; the one—

Mr. WOOLLEY. Well, if it was the same class of work that was handled by the Hawaiian Constructors, I would have been able to take on some of the work.

25. Major CLAUSEN. The question, though, that I put to you today was this: whether you would then, in December of 1940, have desired to take it on, and your answer that you gave to Colonel Hunt was, "I would have been." Is that correct, sir?

Mr. WOOLLEY. Well, I think that is correct, yes, sir.

26. Major CLAUSEN. All right. Now, in December 1940 you were acquainted with the setup of the approximate work being done by the Hawaiian Contracting Company, local concern, Mr. Benson's company?

Mr. WOOLLEY. In December of 1940?

27. Major CLAUSEN. Yes, sir. I mean, you knew in December 1940 that Mr. Benson, the Hawaiian Contracting Company, was in business here?

[3754] Mr. WOOLLEY. Oh, yes.

28. Major CLAUSEN. And Mr. Glover? He was one of the local contractors?

Mr. WOOLLEY. That is right.

29. Major CLAUSEN. And Mr. Black? He was one of the contractors?

Mr. WOOLLEY. That is right.

30. Major CLAUSEN. As a matter of fact, you were familiar with various contractors here?

Mr. WOOLLEY. That is right.

31. Major CLAUSEN. And they could have taken on this work, couldn't they? And McKee and Company, and McClure?

Mr. WOOLLEY. Well, I am not sure, but I think probably they could.

32. Major CLAUSEN. All right.

33. General FRANK. May I ask a question?

34. Major CLAUSEN. Yes, certainly.

35. General FRANK. Mr. Woolley, with which outfit would you have preferred to have become identified, the Hawaiian Constructors or a group of men composing McClure, McKee, Woolley, Benson, Black, and so forth?

Mr. WOOLLEY. Well, General, I would have preferred to have associated myself with local contractors. I don't believe I would have cared to associate myself with McKee because of his method of operations. He was a one-man operator.

36. General RUSSELL. Was he an effective operator?

Mr. WOOLLEY. Very good.

37. General RUSSELL. But he was just a lone wolf type?

[3755] Mr. WOOLLEY. Just a lone wolf, and sometimes when he gets two or three men together, unless they are congenial in their operations, it isn't worth-while going in a joint venture with him.

38. General FRANK. As a matter of fact, he himself has stated that he was a lone wolf type.

39. Major CLAUSEN. Are you finished, General Frank?

40. General FRANK. Yes.

41. Major CLAUSEN. Mr. Woolley, are you acquainted with the transaction where the Government bought from the Rohl-Connolly Company some equipment, approximately \$166,000, which had theretofore been appraised by a Government employee at \$131,000?

Mr. WOOLLEY. I am not very well acquainted with that transaction. It was handled directly by Mr. Rohl, as I understand it, with the contracting officer.

42. Major CLAUSEN. Were you in on some of the preliminary discussions?

Mr. WOOLLEY. Only insofar as the desire of getting additional equipment was concerned, request to the contracting officer for additional equipment.

43. Major CLAUSEN. Were you there when the conversations were held regarding the appraisal that had been rendered on March the 12th?

Mr. WOOLLEY. I think I was in the same room, but I don't recollect any details of the conference.

44. Major CLAUSEN. Do you remember that Mr. Parker was told to put down this extra money between \$131,000 and \$166,000 on the basis of back rental?

[3756] Mr. WOOLLEY. No, I do not know that.

45. Major CLAUSEN. Do you remember that Mr. Parker said, "Well, I guess I might as well put it down, as long as it's going to go through that way," or words to that effect?

Mr. WOOLLEY. No, sir, I do not.

46. Major CLAUSEN. Do you recall a transaction where the Government purchased equipment from the Hawaiian Contracting Company, which equipment was in part unusable?

Mr. WOOLLEY. Well, I know only of the request that we had made for additional equipment, and this was available, and we requested for this construction contracting officer, if possible to make it available to us.

47. Major CLAUSEN. Did you know, or are you acquainted with the fact that on March 3, 1943, almost a year after the purchase was made of this equipment, that part was still in the yards of the Hawaiian Contracting Company, unused because it couldn't be used?

Mr. WOOLLEY. I was informed that there were some few of these dump wagons that were—or at least hadn't been used.

48. Major CLAUSEN. And these dump wagons in themselves total something like \$9,100; isn't that right?

Mr. WOOLLEY. I don't know as to their value.

49. Major CLAUSEN. I have no further questions.

50. General RUSSELL. Were you a member of the executive committee which fixed the policies for the Hawaiian Constructors after Pearl Harbor or after the blitz here?

Mr. WOOLLEY. Yes, sir.

51. General RUSSELL. Who were the other members of that, Mr. Woolley?

[3757] Mr. WOOLLEY. There was Mr. Grafe, Paul Grafe, and Percy Benson, and Mr. Rohl.

52. General RUSSELL. How long did Grafe stay here after the blitz?

Mr. WOOLLEY. To the best of my recollection, it was the early part of February.

53. General RUSSELL. In '42?

Mr. WOOLLEY. In '42.

54. General RUSSELL. How long did Rohl stay here after the first of the year '42?

Mr. WOOLLEY. I wouldn't be sure, General, but I think some time in either May or June. I know he made a number of trips, and I wouldn't be sure which was the final trip that he made.

55. General RUSSELL. Well, why did you select the month of May or June in '42 as being the time when Rohl left? Did you mean to convey the idea that from that date on he did not participate any more in the activities of this executive committee?

Mr. WOOLLEY. Well, I think that was about the early part of May. I think that was about the time.

56. General RUSSELL. Well, he point is this, Mr. Wooley: Did Mr. Rohl come back after this time that we are attempting to fix now, irrespective of when it was?

Mr. WOOLLEY. I think he did.

57. General RUSSELL. And he actually served after that time, upon his return to the Islands, as a member of this committee?

Mr. WOOLLEY. Yes, he—I think he made a trip in April and then another one which was later. I can't get the—

[3758] 58. General RUSSELL. A trip to where?

Mr. WOOLLEY. To the coast.

59. General RUSSELL. He went to the coast in April. How long did he stay? Do you recall?

Mr. WOOLLEY. I think two or three weeks.

60. General RUSSELL. And he came back?

Mr. WOOLLEY. He came back.

61. General RUSSELL. And he stayed over here until when?

Mr. WOOLLEY. Well, my recollection is that it was either the latter part of possibly June—I couldn't give you the exact dates without referring to records.

62. General RUSSELL. All right. Then he went away?

Mr. WOOLLEY. Yes, sir.

63. General RUSSELL. How long did he stay on that trip?

Mr. WOOLLEY. I couldn't give you the exact date.

64. General RUSSELL. Then he came back and began to function again as a member of the committee?

Mr. WOOLLEY. Well, he came back. He didn't—he was in poor health. He didn't function very well from then on.

65. General RUSSELL. When did his health fail?

Mr. WOOLLEY. I couldn't give you that exact date. He was in the hospital at Hickam Field. I couldn't, without going to the record.

66. General RUSSELL. Along in the spring of '42 did his health get right bad?

Mr. WOOLLEY. Well, he claimed that his heart was bad and that he was having these heart attacks and supposed to be under the doctor's care.

67. General RUSSELL. Did that continue until this work ended [3759] over here sometime in '43?

Mr. WOOLLEY. No.

68. General RUSSELL. His condition of poor health?

Mr. WOOLLEY. No. He left here in the middle summer. I couldn't—I can refer to the records and give you those exact dates. And then he didn't come back again.

69. General RUSSELL. In other words, his health got poor in the spring of '42, and he went to the hospital, and sometime in the summer of '42 he went to the continent and never did come back?

Mr. WOOLLEY. That's right.

70. General RUSSELL. All right. That is about what I want.

Now, you say that you became a member of these Hawaiian Constructors sometime along in May of '41?

Mr. WOOLLEY. That's right.

71. General RUSSELL. That you were not approached back in December when these constructors organized and initiated the work over here?

Mr. WOOLLEY. That's right.

72. General RUSSELL. You were not approached then at all?

Mr. WOOLLEY. Not at all.

73. General RUSSELL. Not by the Engineer contracting officer nor by the constructors?

Mr. WOOLLEY. No, sir, I was not approached.

74. General RUSSELL. On whose motion, then, did you get into the constructors along in May of '41?

Mr. WOOLLEY. Mr. Paul Grafe came to see me in my office, early part of May, and asked me if I would be interested in becoming a member of the Hawaiian Constructors. I told him that [3760] I would like to investigate and check into it and think it over before I'd give him an answer.

75. General RUSSELL. What reasons, if any, did Grafe assign for approaching you and making this inquiry?

Mr. WOOLLEY. He told me that the contracting officer had requested them to get a builder into their organization because they expected to have considerable building as a part of the work, and that they had decided that I would be the one who would be acceptable, and so they asked me if I would consider it. I told them I would.

76. General RUSSELL. Then, his sole reason was that a new type of work had to be done, for which the Hawaiian Constructors, as then organized, was not fitted?

Mr. WOOLLEY. Well, that was the principal reason, and that the work was going to expand.

77. General RUSSELL. Be a lot more work?

Mr. WOOLLEY. A lot more work.

78. General RUSSELL. Now, did Benson come into this organization about May of '41, about the time you went into it?

Mr. WOOLLEY. No; Mr. Benson—the Hawaiian Contracting Company did not come in until January of 1942, the first of January 1942.

79. General RUSSELL. Now, you told the Major a moment ago that you paid approximately \$65,000 for a 20 percent interest in this contract. Then when you bought in, there was Callahan and their associate—

Mr. WOOLLEY. Rohl-Connolly.

80. General RUSSELL. Rohl-Connolly, and the other?

Mr. WOOLLEY. Gunther-Shirley.

[3761] 81. General RUSSELL. Gunther-Shirley. And they retained 80 percent, and you acquired 20 percent of the interest?

Mr. WOOLLEY. Yes. They told me they had put up so much money as capital then, and that if I came in I would have to put in an equal amount, based on what they had put in, and that I would participate equally with them from the beginning, on the contract.

82. General RUSSELL. Did you understand those people to mean, then, that \$65,000, or approximately that amount, that you were required to pay, represented 20 percent of the funds that these people had put into this operation?

Mr. WOOLLEY. That that was actual cash put in; that I would be obligated for any additional money required or loans that might have to be made to carry on the joint venture.

83. General RUSSELL. How were you going to get that \$65,000 back, Mr. Woolley?

Mr. WOOLLEY. Well, this was a cost-plus-fixed-fee contract.

84. General RUSSELL. Yes.

Mr. WOOLLEY. And the capital that you put in, initial capital, when you didn't need it, would be returned on the same priority basis.

85. General RUSSELL. How much eventually—I will give you the background of the examination: It appears that eventually the fixed fee amounted to some million plus seventy thousand dollars.

Mr. WOOLLEY. That's right.

86. General RUSSELL. How much of that fee had been earned when you went into this undertaking in May of '41?

[3762] Mr. WOOLLEY. I couldn't give you it exactly, but the amount of work, total amount of work under contract, was, I think, less than \$5,000,000 in aggregate.

87. General RUSSELL. Then a very small percentage—

Mr. WOOLLEY. Small.

88. General RUSSELL. —of this million-plus had been earned at that time?

Mr. WOOLLEY. That is right; quite a small percentage.

89. General RUSSELL. All right. But this \$65,000 which you put in was largely in the nature of working capital?

Mr. WOOLLEY. That's it.

90. General RUSSELL. And you expected it to be returned to you?

Mr. WOOLLEY. That is right. It was working—

91. General RUSSELL. Well, was a great part of that returned to you, plus your interest in the million seventy thousand dollars?

Mr. WOOLLEY. The entire capital that I put up, initial amount, was returned.

92. General RUSSELL. And in addition to that you participated to the extent of 20 percent in the aggregate fixed fee of a million seventy thousand?

Mr. WOOLLEY. That's right.

93. General RUSSELL. Now, we are interested, Mr. Woolley, to know—and it might be that we could have informed ourselves, but we haven't—as to how definitely the contract defined the non-reimbursable items of expense that these joint adventurers might have been called upon to pay from their funds as distinguished from Government funds. Now, could you tell us [3763] about that?

Mr. WOOLLEY. Well, you mean through the entire contract?

94. General RUSSELL. Yes.

Mr. WOOLLEY. As I remember, we had some \$170,000, \$180,000 of non-reimbursable items.

95. General RUSSELL. That was all of the contract, all of the adventurers, including you and Benson's outfit and everybody, at the end of the—

Mr. WOOLLEY. That was the non-reimbursables of the joint ventures.

96. General RUSSELL. Then, if the total fixed fee was a million seventy thousand dollars, and you had non-reimbursables of \$170,000, the story is that the joint adventurers divided up to \$900,000 and got back in addition thereto all of their initial investment in the nature of working capital?

Mr. WOOLLEY. Well, yes, that is correct.

97. General RUSSELL. So each of the five participating adventurers received approximately, or each 20 percent interest in the contract was worth just under \$200,000: five into \$900,000?

Mr. WOOLLEY. At the end of the contract.

98. General RUSSELL. Yes.

Mr. WOOLLEY. Yes.

99. Colonel TOULMIN. Plus the return of the invested capital.

100. General RUSSELL. Plus the return of the invested capital, of course.

Mr. WOOLLEY. That is right.

101. General RUSSELL. So the net profit of the operation was in the aggregate about \$900,000?

[3764] Mr. WOOLLEY. Well, I wouldn't say the net profit, because there were—each of us had our own expenses, our office expenses, in addition to that, which is part of our current operating costs.

102. General RUSSELL. Well, in order that the Board may be informed in a general way of this operation, about what size organization did you have from which you paid the operating expenses out of this 20 percent of \$900,000?

[3765] Mr. WOOLLEY. Well, up until the end of '41 I had other contracts operating at the same time, and I couldn't give you, without going to the records, what those figures were, interests, and so forth.

103. General RUSSELL. Off-hand, can you recall about what percentage of your 20% of the \$900,000 you were compelled to expend to carry on the duties required of you and your organization under this agreement?

Mr. WOOLLEY. No, I couldn't give that to you now.

104. General RUSSELL. You do not remember how much of this 20% of \$900,000 was net profit to you, and how much was gross profit?

Mr. WOOLLEY. No, I do not, because that extended over a period of three years.

105. General RUSSELL. I was going into that. This operation began in December 1940 and ended some time in 1943?

Mr. WOOLLEY. The contract was terminated in 1943 but it continued on into 1944.

106. General RUSSELL. Were you, if you know, working in connection with this operation into 1944?

Mr. WOOLLEY. No, we were trying to get our contract settled and get our money.

107. General RUSSELL. After when?

Mr. WOOLLEY. After January 31, 1943; only some 14 months or more.

108. General RUSSELL. The story from your standpoint is that you went in, in May 1941, and came out in January 1943, with 20% of \$900,000, and during that time rather extensive work had been done here on the island, is that true? It was a big operation?

[3766] Mr. WOOLLEY. It was.

109. General RUSSELL. As I have heard the figure some place, it amounted to more than \$100,000,000.

Mr. WOOLLEY. The total work under contract according to estimates was around close to \$130,000,000. Then there were certain works that were canceled and terminated, so that the net was just under \$100,000,000.

110. General RUSSELL. Now, there are two or three other things, and I will be through. I don't believe that my mind is clear, and I do not know, as to the other Members of the Board, on who determined the expenses that the adventurers were to pay and the expenses which the Government had to pay in an operation of this kind.

Mr. WOOLLEY. My understanding of the operation was that all of the expenses incident to carrying on the work, if we thought that it was properly chargeable to the work, they were to present it to the contracting officer, who in turn reviewed them. If in his opinion they were proper charges he would O. K. them for payment; if not they would be sent back to us with a statement that they were non-reimbursable.

111. General RUSSELL. And that man was the contracting officer, who during this period was either Wyman, Lyman, or Kramer?

Mr. WOOLLEY. That is right.

112. General RUSSELL. Now, did you with your organization prepare the account which you desired the Government to pay and submit it, and Rohl would prepare his, and Callahan would prepare his, and send them to the officer and each of you deal with the contracting officer as an entity?

Mr. WOOLLEY. No. All of the expense items which were [3767] chargeable went through the Hawaiian Constructors.

113. General RUSSELL. The central agency?

Mr. WOOLLEY. And none of us submitted expense items independently.

114. General RUSSELL. Then all the items that the contracting officer received were debited against him, or attempted to be debited against him by the Hawaiian Constructors?

Mr. WOOLLEY. That is true.

115. General RUSSELL. And not the individual members?

Mr. WOOLLEY. That is right.

116. General RUSSELL. Were there numerous bickerings between the contracting officer and the Hawaiian Constructors as to what accounts should be paid by the Federal Government and what accounts should be paid by the constructor?

Mr. WOOLLEY. In general I do not think there was a lot of bickering, because all of the expenditures had to be authorized prior to the time of contracting for the work, and had to be approved by the contracting officer, and so that, once the authorization was given, the routine of submitting the bills or the requisitions for payment was a matter of routine.

117. General RUSSELL. Who took Rohl's place on this executive committee after his health failed and he went back to the continent?

Mr. WOOLLEY. Well, jointly Mr. Benson and I handled the work of the executive committee.

118. General RUSSELL. You had an opportunity to observe the organizations which were brought over here to the islands from the continent by Callahan and Rohl and Gunther-Shirley, you saw those organizations, did you not, their supervisors and foremen?

[3768] Mr. WOOLLEY. Yes, sir.

119. General RUSSELL. How did they compare in your opinion with the supervisors and foremen and laborers of the local members of that association?

Mr. WOOLLEY. Well, a good many of those who were sent over here were heavy-construction operators, and those superintendents were entirely familiar with heavy work, whereas my organization is primarily a building organization, so that the two kinds of operation were not comparable. I should say the general quality of men was somewhat on a par.

120. General RUSSELL. With the local men?

Mr. WOOLLEY. With the local men; some better, and some not so good.

121. General RUSSELL. The same as in your organization, you had good, bad, and indifferent, too?

Mr. WOOLLEY. Well, we tried to get the best, but sometimes we didn't have them.

122. General RUSSELL. I do not believe I have any other questions.

123. General GRUNERT. Is there anything else?

124. Major CLAUSEN. Was your organization a corporation, Mr. Woolley?

Mr. WOOLLEY. No, sir.

125. Major CLAUSEN. To your knowledge did Colonel Wyman or any person connected with him, or any of those people, have an interest in your organization?

Mr. WOOLLEY. No, sir.

126. Major CLAUSEN. You said in response to a question by General Russell that when Mr. Grafe came to you and solicited [3769] your entry into this joint venture, that he had come to you because the contracting officer had asked him to get some builder, you recall that?

Mr. WOOLLEY. Yes; I stated. That is what he told me.

127. Major CLAUSEN. Well, who was the contracting officer at that time?

Mr. WOOLLEY. Mr. Wyman.

128. Major CLAUSEN. Yes; and you afterwards had a talk with Colonel Wyman, did you, about your entry into this joint venture?

Mr. WOOLLEY. That is right.

129. Major CLAUSEN. I beg your pardon?

Mr. WOOLLEY. Yes, sir.

130. Major CLAUSEN. And you told him that you were willing to come in at this \$65,000 figure?

Mr. WOOLLEY. Well, I did not discuss any figure with him. I discussed the figure with Paul Grafe.

131. Major CLAUSEN. Well, did you ever discuss this \$65,000 figure with Colonel Wyman?

Mr. WOOLLEY. Now, I may have; I would not be sure of that.

132. Major CLAUSEN. Well, do you have any memoranda or papers that would indicate that fact?

Mr. WOOLLEY. No, sir.

133. Major CLAUSEN. And the contracting officer during this period of construction of the projects here during that time was Colonel Wyman, was he not?

Mr. WOOLLEY. Colonel Wyman.

134. Major CLAUSEN. That is all.

135. General GRUNERT. Colonel Toulmin?

136. Colonel TOULMIN. Nothing.

137. General GRUNERT. Colonel West?

138. Colonel WEST. No.

139. General GRUNERT. Is there anything else that occurs to [3770] you that you might tell the Board, that might be of assistance to it in coming to a conclusion?

Mr. WOOLLEY. The only thing, I think probably, General, you all know that this type of contract, the cost-plus contract, is one that is very flexible, and because of the nature of it, the control of it must be vested in the contracting officer, and so that the directing head is the contracting officer, and so that our part in the performance of this contract was to comply with the instructions and orders given to us.

140. General GRUNERT. Isn't it true that, late in 1941, the Chief of Engineers' Office got out a memorandum of instructions that govern or that set forth what the engineer should do and what the contractors should do under this cost-plus program?

Mr. WOOLLEY. You mean that directive issued from Washington? Yes, I know about that.

141. General GRUNERT. Now, wasn't there a considerable departure from those instructions on the part of the engineers, themselves?

Mr. WOOLLEY. Well, I think the records will show that.

142. General GRUNERT. That appeared to handicap and probably delay, and caused quite a number of at least of discussions between the two of you?

Mr. WOOLLEY. Well, that's why I stated that the nature of this is one where we had to follow orders. If it were left to a contractor to operate a job as we normally operate, we probably could have speeded things up a little better.

143. General GRUNERT. Now then, the contracting officer was the one that passed upon what bills the Government should pay, that the contractors "ran up" we might say. Do you know whether there are any regulations governing generally what [3771] those bills should be, or what sort of items the Government would pay for, or was it left entirely to the contracting officer to decide what they were to pay for?

Mr. WOOLLEY. No, there is a regular book of instructions and regulations that the contracting officer is supposed to follow.

144. General GRUNERT. You say there was very little bickering about the payment of such bills, because they had the approval of

getting stuff before it was actually gotten, it had to be passed on by the contracting officer?

Mr. WOOLLEY. That is right.

145. General GRUNERT. Was there any bickering about that?

Mr. WOOLLEY. Well, sometimes there was; for example, the question of whether we needed it or not, and whether there was an immediate need, or they had already taken care of it. You see under this contract the Government bought all of the materials, because they had a buying power, and they did not want to duplicate, and we have a directive to that effect; and with our insistence on getting certain materials and things of that sort, we had to plead with the contracting officer to furnish them.

146. General GRUNERT. Up to the time Rohl left he was a "spark plug" of the directing group, was he not?

Mr. WOOLLEY. Well, he was a member of the executive committee, and we had a general superintendent of construction.

147. General GRUNERT. In other words, they got Rohl over here, and Grafe sort of faded out of the picture, until he left, and up until the time Rohl turned over to you and Benson, why, Rohl did most of the directing?

[3772] Mr. WOOLLEY. No, I wouldn't say that, General. I think Mr. Benson and I shared in it, assisted in the directing and helping to shape the policies of the work.

148. General GRUNERT. On every committee, even an executive committee, there has got to be one man that does most of the work?

Mr. WOOLLEY. That is right.

149. General GRUNERT. Are there any other questions?

150. General RUSSELL. Yes. I knew I had missed something I wanted to talk to you about. Were there any efforts made, along in April or May 1941, about which you know, looking to having work done under a fixed-price contract; that is, by bids?

Mr. WOOLLEY. I don't recall of any.

151. General RUSSELL. You did not participate with other local contractors in working out bids for some work that Wyman wanted done here along in the spring of 1941?

Mr. WOOLLEY. Not with Colonel Wyman; no. We did under the constructing quartermaster.

152. General RUSSELL. Do you remember hearing of or seeing advertisements of requests for bids from local contractors for work that was to be done?

Mr. WOOLLEY. I think there were some airfields that were advertised.

153. General RUSSELL. Did you make bids on those airfields?

Mr. WOOLLEY. No, sir.

154. General RUSSELL. Do you recall about when that was?

Mr. WOOLLEY. No, I don't. I really don't, because I wasn't interested in that question.

[3773] 155. General RUSSELL. You just did not take any interest in it?

Mr. WOOLLEY. Didn't take any part of it.

156. General GRUNERT. One more question. In that executive committee was the amount of power and decision and one thing and another apportioned according to the amount of interest held in the

Hawaiian Constructors? You held 20%, and Benson, 20%, and somebody else held the other 60%?

Mr. WOOLLEY. That question never came up.

157. General GRUNERT. Are there any other questions? Is there anything else you can think of that you might want to open up, or something that might be brewing in your mind for some time and ought to come out?

Mr. WOOLLEY. No; the only thing, the records will show that we were more than willing to cooperate all the way through; and the records will show that.

158. General GRUNERT. If there are no other questions, we thank you for coming.

(The witness was excused, with the usual admonition.)

(Whereupon, at 5 p. m., the Board having concluded the hearing of witnesses for the day, took up the consideration of other matters.)

[3774]

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¹ Pages referred to are represented by italic figures enclosed by brackets and indicate pages of original transcript of proceedings.

[3775] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

SATURDAY, SEPTEMBER 16, 1944.

FORT SHAFTER, TERRITORY OF HAWAII.

The Board, at 9 a. m., pursuant to recess on yesterday, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF MAURICE GAYLORD PARKER, HONOLULU, T. H.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel West. Mr. Parker, will you please state to the Board your full name and address.

Mr. PARKER. Maurice Gaylord Parker; Elks Club; Honolulu.

2. Colonel WEST. What is your occupation?

Mr. PARKER. At the present time I am planning on going in the ice business for myself.

3. General GRUNERT. Mr. Parker, General Frank, assisted by Major Clausen, will conduct this particular part of our investigation. General Frank.

4. General FRANK. Go ahead, Major Clausen.

5. Major CLAUSEN. Mr. Parker, what is your present [3776] occupation? Are you employed right now?

Mr. PARKER. No, I am not.

6. Major CLAUSEN. What was your most recent occupation?

Mr. PARKER. Working for Schuman Carriage Company. That was the job I had before I went to work with the engineers in 1942.

7. Major CLAUSEN. But you were employed most recently though with the United States Engineering Department?

Mr. PARKER. Well, that was May, up until the latter part of May of this year; then I got released on furlough for six months.

8. Major CLAUSEN. You mean they let you go for six months?

Mr. PARKER. Yes, sir.

9. Major CLAUSEN. The period during which you worked for the Engineering Department extended over what dates?

Mr. PARKER. From January 3, 1942, until the latter part of May, this year.

10. Major CLAUSEN. In what capacity were you first employed by the United States Engineering Department?

Mr. PARKER. As an appraiser of used equipment—trucks and cars and so forth. They didn't put it in as "appraiser," it was "civil engineer" on the boards.

11. Major CLAUSEN. Actually, though?

Mr. PARKER. But the work that I did was appraise equipment.

12. Major CLAUSEN. And how long did you perform that function of appraiser for the Engineering Department—over what periods?

Mr. PARKER. It started January 3.

13. Major CLAUSEN. January 3, of what year?

[3777] Mr. PARKER. 1942; until October 1942; I don't know the exact date.

14. Major CLAUSEN. And what experience, Mr. Parker, had you had as an appraiser of used equipment?

Mr. PARKER. The only experience I had had up till that time was on trucks and cars, when I was working with Schuman Carriage Company.

15. Major CLAUSEN. And is that a local concern, here?

Mr. PARKER. Yes, sir.

16. Major CLAUSEN. You had also worked for the Thomas Hafferty Company?

Mr. PARKER. That is correct.

17. Major CLAUSEN. And what kind of work did you do there?

Mr. PARKER. Well, originally, I was a buyer, local buyer, the buying of merchandise and equipment in town here.

18. Major CLAUSEN. You did the purchasing then for that company?

Mr. PARKER. And then the company liquidated after they finished a job at Lualualei, and we took all that old equipment we had had on the job and took it to pier 6, and I was foreman down there, and we sold and repaired to rent different pieces of equipment.

19. Major CLAUSEN. How long?

Mr. PARKER. About a year, there.

20. Major CLAUSEN. About a year doing that, also?

Mr. PARKER. Yes, sir.

21. Major CLAUSEN. And this was all before you went to work with the United States Engineering Department, is that so?

Mr. PARKER. That is correct.

22. Major CLAUSEN. Now, in all the activities of yours as an appraiser, did you ever have anybody question your appraisal?

Mr. PARKER. Yes, I did.

[3778] 23. Major CLAUSEN. In how many instances?

Mr. PARKER. Once.

24. Major CLAUSEN. Only one?

Mr. PARKER. Well, of course, when we went out to appraise, why, the owner might bring up the question, but I was never, as far as working for the engineers, questioned, but once.

25. Major CLAUSEN. And this one occasion occurred when Mr. Parker?

Mr. PARKER. I can't give the exact date, because I don't remember.

26. Major CLAUSEN. What year was it, Mr. Parker?

Mr. PARKER. 1942. I think it was in March, April, or May of 1942, I am not sure.

27. Major CLAUSEN. Was that in connection with some equipment owned by the Rohl-Connolly Company?

Mr. PARKER. Yes, sir.

28. Major CLAUSEN. And your appraisal was in the neighborhood of \$131,000, whereas they insisted upon an appraisal of \$166,000?

Mr. PARKER. I wouldn't say for the figures. It was about \$30,000 if I remember right, difference on those things.

29. Major CLAUSEN. In making that particular appraisal, as to which there arose this question, you feel that you made a fair, square, on-the-level appraisal?

Mr. PARKER. I do.

30. Major CLAUSEN. And just what did you do? How did you go about making that appraisal, and what basis did you use?

Mr. PARKER. Well, as I say, I don't remember the date, but it was early this morning when one of the boys that worked for the Hawaiian Constructors came down, with a list, and also, [3779] I think it was, Captain, in charge of or had to do with all the purchasing in the Engineers; I forget his name, now; and they had a list of equipment belonging to the Hawaiian Constructors, that he said, this young fellow, the captain, said we had to appraise that morning and have it in by that night, and there were about 14 pieces if I remember right. That is, there were more pieces, because, however, there were 10 or 12 trucks in there, but 12 or 14 different items of shovels.

31. General FRANK. You mean steam shovels?

Mr. PARKER. Yes, sir; they were Diesel shovels, and there were trucks, and they were scattered all over the island at the time, so this boy from the Hawaiian Constructors, knowing where this equipment was, he was to take me around, starting this morning, to appraise this equipment; so we started out, and on this list was the equipment, and also prices, the prices that the Hawaiian Constructors were asking for it.

32. Major CLAUSEN. You mean that Rohl-Connolly Company was asking the Hawaiian Constructors?

Mr. PARKER. Well, now, Rohl-Connolly, I didn't know at the time. I thought it was Hawaiian Constructors. That is who we were purchasing for—that is, doing the appraising.

33. Major CLAUSEN. At any event, before you went out on the job, they gave you a list with the prices on that they wanted you to verify?

Mr. PARKER. That is right.

34. Major CLAUSEN. As the value of the property?

Mr. PARKER. That is right.

35. Major CLAUSEN. All right. Proceed, and tell the Board just what you did.

[3780] Mr. PARKER. So we started out, but we had orders, this young fellow and myself, who worked for the constructors—I was working for the Government—to have each—

36. General FRANK. Now, just a minute. This Captain was working?

Mr. PARKER. No, this Captain told me to go with this Hawaiian Constructors' man, I forget his name.

37. General FRANK. Oh, there was another civilian who represented Hawaiian Constructors?

Mr. PARKER. That is right; yes, sir; so we had orders to get the area engineers or the Hawaiian Constructors' superintendent to sign for this equipment, showing that it was on the job.

Well, there was some equipment at Hickam Field, and there was equipment at Schofield, equipment down where it was being repaired, like this called "Island Welding," now; some at base yard 6. Well, it was scattered all over. There was some out here, I forget the name of the fort; it was where they have the big gun out there on the way to Waianae. There was a shovel out there, and it took us the whole day to get around to see all this equipment. We had trouble with some of the superintendents. They wouldn't sign for it. They would take a look at it and say, "No! we don't want it on the job!" Like there was a pump, I forget what they call them. It was at Hickam, any way, and the superintendent there said he would not sign for it because they didn't need it on the job, it was laying out in the field.

38. General FRANK. Was it serviceable?

Mr. PARKER. That, I would not say. It was sitting [3781] there, and from my looks it was serviceable, yes, if they wanted it.

After I had checked it over and looked at the pipe and everything, there were pieces of pipe strewn all around, they had so many lengths of pipe I couldn't count them all and see whether they were there. I was taking a list as to the number of pieces, and I was supposed to have these pieces appraised and the report turned in that night; which I did, about eight o'clock.

39. Major CLAUSEN. Did you go around all over the island to get these?

Mr. PARKER. Went and saw every piece that was on the list they had. If I remember right, there were 10 or 12 trucks, and there were 8—if there was 10, there was 8 of them at 104-W; that is, out at Schofield; and two of them were sitting down, hadn't been able to run yet. They were down at Automotive Service being repaired.

40. Major CLAUSEN. In making that appraisal, therefore, you were told to have this job done that day, and to have it in that night?

Mr. PARKER. That is correct.

41. Major CLAUSEN. What reason did they give for this "rush act"?

Mr. PARKER. They didn't give any reason. I didn't ask. They said they wanted it in, that night, because it was a job they wanted finished up, that's all there was.

42. Major CLAUSEN. Did anybody then tell you that Colonel Wyman, who was doing part of the work, was going to be relieved in two days?

[3782] Mr. PARKER. No, sir; I didn't know a thing about it.

43. Major CLAUSEN. By the way, when you made your appraisal on this particular equipment, did you follow any usual practice as to getting the purchase price, valuing the wear and tear, and the depreciation?

Mr. PARKER. I know about what the shovels cost. They run around \$31,000 at the time, but they had been used; and the trucks, I knew what the price of trucks run, new, and they had been used; so I used my own judgment, like I appraised everything else.

44. Major CLAUSEN. In other words, you were familiar with the catalog purchase-price figures?

Mr. PARKER. Not necessarily, because prices down here vary for this equipment. On the coast they would be able to buy it much cheaper. You would have to figure freight and so forth down here, and the catalog prices on this equipment would be different here.

45. Major CLAUSEN. In that connection, therefore, did you consider that the Hawaiian Constructors did not have to pay the freight from the mainland?

Mr. PARKER. No, I didn't. When I appraised any piece of equipment here I took into consideration the wear and tear, and what it would originally cost, only.

46. General FRANK. Here?

Mr. PARKER. Here; that is correct.

47. Major CLAUSEN. In the Hawaiian Islands?

Mr. PARKER. If it was shipped down, as if you would buy a truck and have it shipped out here, and the amount of money they might have spent to repair it, which this [3783] equipment had been all repaired.

48. Major CLAUSEN. You say this equipment had all been repaired?

Mr. PARKER. Well, that is, the pieces like the trucks and the shovels. Now, the pumps were in good shape; that is, they looked in good shape; they were not running.

If I remember my figures, why, I didn't depreciate the pumps very much. I took them as the figure they turned in for them. It was the equipment like the shovels and the trucks that were the ones that I didn't think were worth the money.

49. Major CLAUSEN. In any event, your final total appraisal in the neighborhood of \$131,000 was turned in later on that afternoon?

Mr. PARKER. That evening, about eight o'clock.

50. Major CLAUSEN. And to whom did you give that, Mr. Parker?

Mr. PARKER. I gave it to this captain; but as I say, I can't remember his name.

51. Major CLAUSEN. And then what was said, or what was the next thing you did?

Mr. PARKER. That is all there was to it.

52. Major CLAUSEN. Well, you later on, though, did something?

Mr. PARKER. Then, the next morning, when I came back, they told me—well, it wasn't the next morning, because I went out to work, and about one o'clock I came back to the office, and they told me I had to report down to the Young building, to Colonel Robinson, that afternoon.

53. Major CLAUSEN. That was Colonel B. L. Robinson?

Mr. PARKER. I don't know whether that was the next day [3784] or the day after. I don't remember whether it was one or two days.

54. Major CLAUSEN. All right. What happened when you got down there to the Young building?

Mr. PARKER. Well, I went into the office and met Colonel Robinson, and he asked me, he said, "There is some discrepancy here in your figures and what the Hawaiian Constructors are asking for this equipment that you appraised." And I said, "Well," I said, "I don't know what it is. I appraised the equipment as I thought it was worth to the Government." He said, "Well, did you know at the time that

there was rental due on this equipment?" and I said, "No; and it wouldn't make any difference if there was. That rental don't interfere with the appraisals that I put on equipment." He said, "Well, there should be rental added to it," and he says, "Some of the Hawaiian Constructors' men are going to come up here, and they want to talk to you." I said, "O. K." And about five minutes later, why, in walked Mr. Woolley, Mr. Rohl, and Mr. Benson, and Mr. Middleton.

55. Major CLAUSEN. These men were all Hawaiian Constructors men, were they not?

Mr. PARKER. Yes, sir; and Colonel Robinson said, "You go over to that desk and talk to them." So I went over there with all these "big shots" from the Hawaiian Constructors. I felt really out of place.

56. Major CLAUSEN. Were you the only government representative there?

Mr. PARKER. I was the only one. That is why I felt out of place. Well, we sat down at this table, and I don't remember [3785] who did the talking, because they all had something to say, but one of them spoke up and said, "How does it happen that your appraisal is so much lower than our figures?" I said, "Well, I appraised it as what I thought it was worth." One of them said, "Well, we repaired all that equipment before it was sent down here, and we have figures." They had papers there of figures showing that they had spent so much money fixing up these trucks and the shovels and so forth, and I said, "Well, I still consider that my appraisal is fair, and even though you fixed it up," I said, "it was a poor job, because there's cracks in the pumps, all the shovels are not running, and the trucks are broken down right now, and," I said, "they did a very good job of painting over all these defects."

Mr. Rohl spoke up and said, "Look here, young man," he said, "we don't do such things as that." He says, "All our equipment is in good shape." And I said, "Well, I still contend that my appraisal is fair, and I am not going to change it." So they said, "Well, do you understand that there is rental due on this?" And I said, "Yes, Colonel Robinson just told me, but I didn't know it before, and," I said, "it don't make any difference as far as the appraisal is concerned. If there is rental due, of course, the Government will pay you." And they said, "Well, there's rental due on it. It happens that it starts from the time the equipment was delivered in San Francisco, until the time it was brought here, and up to the present time, even though it is not working." And I said, "Well, I am not changing it, but I will turn in a letter to Colonel Robinson to the effect that if the appraisal equals the amount the Hawaiian Constructors ask for their equipment, or exceeds it, why, I will O. K. the price that they had set [3786] on all of this equipment."

57. General FRANK. I don't get that. If what?

Mr. PARKER. If the amount.

58. General FRANK. What amount?

Mr. PARKER. Well, you see I was \$30,000 or \$35,000 under Hawaiian Constructors' set figure of this equipment. Well, if the amount—say my figures were \$75,000 or \$80,000, and they had so much rental coming to meet the figures that were set up, or exceed those figures, why, it was perfectly all right for the Government to pay it, if they had that rental coming.

59. Major CLAUSEN. What you mean is that, if their claim to this rental was correct, then quite obviously they were entitled to the rental?

Mr. PARKER. Why, certainly.

60. Major CLAUSEN. That is all it amounted to, that you told them?

Mr. PARKER. That is all—my appraisal plus the rental that they were entitled to, would exceed or meet the price they asked, why then it was up to the Government to pay it. I didn't, as far as my appraisal, I wasn't going to boost it just because there was rental due on it. That had nothing to do with me. If they had gone into a contract with the Government for rental, why, as I say, that was a different story.

61. Major CLAUSEN. Bearing in mind, therefore, that your appraisal was in the neighborhood of \$131,000, and that they asked for \$166,000, did you therefore write a letter, to the effect that if the difference between \$131,000 and \$166,000 was rental, then that represented a sum total that they should be paid of \$166,000?

Mr. PARKER. Yes, sir.

[3787] 62. Major CLAUSEN. Did anybody at any time, Mr. Parker, ever show you a basis for their claim to this rent in the form of a written document?

Mr. PARKER. I never saw and I don't suppose I ever did see any of those written contracts anyway.

63. Major CLAUSEN. Did not this all strike you as a most unusual, unheard-of proceeding?

Mr. PARKER. Well, at the time, no, it did not. But it seemed kind of funny that they would ask me to boost the price if there was rental or a contract written at the time, because we were so busy at the time I didn't even stop to think about it. I did my work and had more work to do and it did not—well, I just thought about it, that is all—I didn't ask questions or go and ask anybody else about it.

64. Major CLAUSEN. I do not mean the rental part. I mean this idea of putting you off in a corner with all these contractors and men surrounding you and you being the only government man there.

Mr. PARKER. I felt very much out of place and I was put out about it, that somebody else was not there to represent the government. I thought, in fact, that Colonel Robinson should have been there to tell me about this rental thing.

65. Major CLAUSEN. Did it seem to you a gang-up to force you to agree upon an established price?

Mr. PARKER. Very much so.

66. Major CLAUSEN. As a matter of fact, this equipment was not all in good operating condition.

Mr. PARKER. It was not workable, I do not believe, in my opinion.

[3788] 67. Colonel TOULMIN. Do you mean it was not workable because it was not in working condition or not workable because they were not using it then?

Mr. PARKER. It was not workable equipment, because they were doing repair work on it while I was there.

68. Major CLAUSEN. Did you also have occasion with respect to another appraisal to work with a Mr. Tillman?

Mr. PARKER. Yes.

69. Major CLAUSEN. Had that to do with the purchase of certain equipment from the Hawaiian Contracting Company?

Mr. PARKER. Yes, sir.

70. Major CLAUSEN. Do you recall the story to that in such a manner that you can briefly tell the Board what that was about?

Mr. PARKER. There was a Mr. Gilman——

71. Major CLAUSEN. Gilman?

Mr. PARKER. Gilman, yes.

72. Major CLAUSEN. In addition to Mr. Tillman?

Mr. PARKER. That is right. —and myself, went out to look over some equipment that was in the yard of the Hawaiian Contractors at Moilili. It seemed like the equipment had already been appraised, but they were going out there to check it over, for what reason I do not know, because Mr. Tillman did not tell us. We went out there and met Mr. Ross, who was in charge of the yard. We looked over a few pieces, and Mr. Ross got a telephone call, and he came over after he finished with the phone and talked to Mr. Tillman, and we left. We did not appraise any of the equipment. We just had started checking it. Mr. Tillman received this—well, they stepped off to one side for their conversation. I don't know what was said [3789] to Mr. Tillman, and he came over and said "Let's go back" and we were called back.

73. Major CLAUSEN. Were you there long enough and had you had observation enough of some of this equipment to see whether it was workable or was in poor condition?

Mr. PARKER. At that time, no.

74. Major CLAUSEN. Did you later on?

Mr. PARKER. Later on, we did.

75. Major CLAUSEN. And you verified what fact as to those questions; what were your observations as to the condition of this equipment?

Mr. PARKER. You mean at that time.

76. Major CLAUSEN. Later on, Mr. Parker.

Mr. PARKER. It was equipment that was old, obsolete equipment, had not been used for years.

77. Major CLAUSEN. Such as what?

Mr. PARKER. There were a couple of graders, a scarifier, some old wagon dumps on steel wheels, some wagon dumps on wooden wheels. In fact, there was about, I should say, 15 pieces or 25, between 15 and 25 pieces that were sitting in the yard there that was old equipment.

78. Major CLAUSEN. And this second observation, I mean this second trip of yours out there, occurred how long after the first trip?

Mr. PARKER. I don't remember.

79. Major CLAUSEN. Was it within a matter of months?

Mr. PARKER. Oh, three months. The F. B. I. came and took us out there.

80. Major CLAUSEN. You say then the Engineers put you on furlough?

[3790] Mr. PARKER. Well, after October, 1942; then I still remained with them until 1943, or 1944, this year.

81. Major CLAUSEN. Did anyone from the Engineers communicate with you about your appearance before the Board before you came here today?

Mr. PARKER. Only the MP said I was to report up here.

82. Major CLAUSEN. That is all.

Mr. PARKER. You mean from the outside, some civilian contractor?

83. Major CLAUSEN. Yes.

Mr. PARKER. That is all.

84. General RUSSELL. In this conference that you discussed where some four people representing the Hawaiian Constructors were present and you were the sole agent of the federal government, do you remember who led in the conversations at that time for the Constructors?

Mr. PARKER. Mr. Rohl and Mr. Middleton.

85. General RUSSELL. Did you know to whom this equipment belonged that you had recently estimated the value of?

Mr. PARKER. Who do you mean belonged to? A company or an individual?

86. General RUSSELL. As far as you know, any one or more of the Hawaiian group could have owned it?

Mr. PARKER. I knew the local men did not, that is, Mr. Woolley and Mr. Benson of the Hawaiian Contractors, because at that time, selling trucks, I got around and saw these people.

87. General RUSSELL. Who was this man Middleton?

Mr. PARKER. He was in charge of administration, I guess; he was their business manager.

[3791] 88. General RUSSELL. For all of the contractors?

Mr. PARKER. Hawaiian Constructors, so far as I knew.

89. General RUSSELL. Was he a local man or was he from the mainland?

Mr. PARKER. He was from the mainland.

90. General RUSSELL. I was answering the telephone and may have missed one or two things. What time in the morning did you start on this inspection?

Mr. PARKER. At 8 o'clock.

91. General RUSSELL. And you finished that night?

Mr. PARKER. Yes, sir. We really had to go to do it, too. We were driving 40 and 50 miles an hour.

92. General RUSSELL. You say "we had to go". Who was with you?

Mr. PARKER. This young fellow who knew where all the equipment was that worked for the Hawaiian Constructors. He went around and checked equipment, so he knew where it was all located.

93. General RUSSELL. They gave you a list when you started out on this trip of the equipment you were to appraise?

Mr. PARKER. Yes, sir.

94. General RUSSELL. You appraised all of that equipment in one day?

Mr. PARKER. Yes, sir.

95. General RUSSELL. You were thoroughly familiar with all those items of equipment?

Mr. PARKER. No, sir.

96. General RUSSELL. You were not thoroughly familiar?

Mr. PARKER. No, sir.

[3792] 97. General RUSSELL. Therefore, on some of the appraisals you were influenced by what, if you did not know the value?

Mr. PARKER. Influenced by the figures they had on the paper, like—I will give you two instances. This—I wish I could think what it called. It is a pump.

98. Colonel TOULMIN. What kind of a pump was it?

Mr. PARKER. For pumping in tunnel work and things like that.

99. General FRANK. A suction pump?

Mr. PARKER. No. It is more than a suction pump.

100. Colonel TOULMIN. Water?

Mr. PARKER. Cement.

101. Major CLAUSEN. To pour cement?

Mr. PARKER. Cement.

102. Colonel TOULMIN. Cement gun pump?

Mr. PARKER. A great big thing that pushed through a big pipe. But on the trucks and the shovels and also the motors, those I checked. I looked at every truck.

103. General RUSSELL. You did feel yourself qualified and competent to appraise those latter items of property you just described?

Mr. PARKER. Now, you say competent. I felt that my job was something that was a little bigger than I had ever had before, but I felt from my experience over here—now, you don't fit the experience over here like you do on the mainland, if you are taken and put in the same position as an appraiser that has had the experience in the States or that sold big equipment—no, I was not.

104. General RUSSELL. But is it true, or not, that where there was doubt in your mind as to the value at which you might [3793] appraise a given item of equipment, you gave the Hawaiian Constructors the benefit of that doubt by adopting the figures at which they had listed this equipment?

Mr. PARKER. Yes, I think I did.

105. General RUSSELL. Then the outcome of your appraisal must necessarily have been that if it erred at all it was on the side of liberality toward the Constructors rather than otherwise?

Mr. PARKER. No, I felt that I was not being liberal to the Constructors. I was trying to make it fair for both the government by appraising it where they would get their value in usage out of the equipment that we would buy—I say “we”. I mean the government.

106. General RUSSELL. You felt, however, that the appraisal which you made of the entire lot of equipment was full and fair to the Constructors?

Mr. PARKER. Very much, both fair to the Constructors and to the government.

107. General RUSSELL. You called them as you saw them?

Mr. PARKER. Yes, sir. I was not led or had anybody tell me a thing about it.

108. General GRUNERT. Any other questions?

109. Colonel TOULMIN. I have one question. What were the defects that you found on this equipment covered up by the paint, do you remember?

Mr. PARKER. You know, those shovels, how they crack. They welded them and there were still cracks.

110. Colonel TOULMIN. Where? In the boom?

Mr. PARKER. Yes, sir.

[3794] 111. Colonel TOULMIN. The turntable?

Mr. PARKER. The boom.

112. Colonel TOULMIN. How were the gears?

Mr. PARKER. The gears were in good shape.

113. Colonel TOULMIN. How about the motors?

Mr. PARKER. The motors—two of the shovels were running and one, as I said before, they were still working on it, and they couldn't get the darned thing to run.

114. Colonel TOULMIN. How about the cables and sheaves?

Mr. PARKER. Worn.

115. Colonel TOULMIN. Not badly worn?

Mr. PARKER. Not badly worn.

116. Colonel TOULMIN. But they were worn?

Mr. PARKER. Yes.

117. Colonel TOULMIN. How were the bearings on the sheaves?

Mr. PARKER. The bearings on the sheaves were fair. There were a lot of new parts they had put on them, but you yourself know that a boom will crack. They did a good job of welding and painting over.

118. Colonel TOULMIN. Well, a boom that has been cracked and welded is a pretty second-rate kind of an article?

Mr. PARKER. It will bust again.

119. General GRUNERT. Now, Mr. Parker, do you think of anything that you might tell the Board to assist it in coming to a conclusion, anything else on your mind that you think the Board ought to know?

Mr. PARKER. I could mention one thing that you might know already.

120. General GRUNERT. Go ahead and tell us.

[3795] Mr. PARKER. On this equipment that the Hawaiian Contracting Company had, we never used any of it as far as I know, of the pieces that I mentioned a while ago, these graders and these old wagons. I happened to be down at the junk base yard yesterday and there they were sitting down there. They never were used, as far as I know.

121. General GRUNERT. Anything else?

Mr. PARKER. No.

122. General GRUNERT. Thank you very much.

(The witness was excused, with the usual admonition.)

123. Major CLAUSEN. I wish to read into the record a memorandum written to me in pencil by Major Lozier heretofore referred to in the testimony, which memorandum is that—

124. General GRUNERT. Who is Major Lozier?

125. Major CLAUSEN. Major Lue Lozier, JAGD referred to in the radiogram as being now permanently assigned to the Hawaiian Department and which radiogram was the one which indicated that General Bragdon and Major Powell were coming to the islands.

[3796] 126. General GRUNERT. Is that radiogram in the record?

127. Major CLAUSEN. It was read in the record, yes, sir. Major Lozier previously was on duty in the Office of the Chief of Engineers, Washington, D. C.

This memorandum reads as follows:

(Memorandum dated September 16, 1944, Major Lozier to Major Clausen, is as follows:)

16 SEPTEMBER 1944.

Major CLAUSEN: I have searched the files in Col. Wimer's office USED and can find no letters or telegrams between Col. Wyman and Mr. Rohl—or records of telephone conversations between them. Col. Wyman says there is only one that he recalls—a formal travel order in February 1941 to Rohl to come out here—but I cannot locate it. As Col. Wyman recalls there was no answer to this one and I cannot locate any record of reply or action on this following the issuance of the travel order.

Signed "Lozier".

128. General GRUNERT. What is Colonel Wimer's office? What official position?

129. Major CLAUSEN. Colonel Wimer is presently the District Engineer; he testified yesterday.

And then I have this memorandum also from Major Lozier. It refers to "above data," which data are: estimated cost of total work, estimated cost of work canceled, final estimated cost of work, and the fees.

The memorandum reads:

[3797] (Memorandum dated September 15, 1944, Major Lozier to Major Clausen, is as follows:)

Major CLAUSEN: Above data taken directly from the basic contract, the supplements and the change orders. #53 was the final settlement agreement whereby it was estimated that 87.2% of the work theretofore put under the contract had been completed.

Signed "Lozier".

The figures I give will be the total figures:

Estimated cost of total work under the Hawaiian Constructors' Contract No. W-414-eng-602, \$112,031,375.

Estimated cost of work canceled, \$14,342,514.

Final estimated cost of work, \$97,688,861.

Fixed fee, \$1,215,597.

Fixed fee canceled by termination, \$155,597.

Fixed fee received by Hawaiian Constructors, \$1,060,000.

Then he has on here the figures as of 7 December 1941, if the Board wishes them. I may as well read them:

Estimated cost on that date, \$19,545,557.

Fixed fee as of that date, \$455,145.

And he has on here, with respect to the basic contract:

Estimated cost of work per basic contract, \$1,097,673.

Fixed fee per basic contract, \$52,220.

130. General GRUNERT. All right. Now you go ahead, Colonel Toulmin.

131. Colonel TOULMIN. I have here before me the complete record of the trial before a military commission in this Territory of Bernard Julius Otto Kuehn, which resulted in his [3798] conviction and sentence to death. This was reviewed and changed to a sentence in the federal penitentiary at Leavenworth, Kansas, for a period of 50 years. The essence of the record is found in the following documents:

First, the order of commitment of Kuehn to the federal penitentiary at Leavenworth, Kansas, consisting of six pages; the essential messages which constitute the essence of his offense, consisting of the code that he had supplied to the Japanese consulate in connection with his conspiracy with the Japanese consulate to transmit information as to the fleet in Pearl Harbor, and copies of three wires under dates respectively of December 3, 1941, December 5, 1941, and December 6, 1941; a statement by Kuehn under oath, taken before the investigator, Captain Chapman, under date of February 5, 1942, which sets out in summary his offense; an exhibit of January 3, 1942 which consists of an affidavit by Kuehn of some five pages, setting forth his actions that he admitted that he had taken and the offenses that he

had committed; and another affidavit of Kuehn under date of January 1, 1942, consisting of some eleven pages.

The sum and substance of these several documents, which I shall state for the benefit of the record, is that Kuehn visited Pearl Harbor from time to time, by agreement with the Japanese consulate, and located the vessels in the harbor so effectively that the testimony of the Port Captain showed that his locations were substantially correct. He apparently also even located them according to some code designation so that they could be picked out by anyone familiar with the harbor, and he supplied to the Japanese consulate, as a result of [3799] several visits, a simplified code by which the Japanese consulate could communicate and by which he himself could communicate by a variety of means, not only with Japan but with Japanese submarines offshore, these means of communication consisting of signals by the arrangement of sails on his boat, short-wave radio, a system of lights in his house, and a system of fires on the shore. The significant portion of the record is the fact that this information was an essential piece of information to the attack upon the fleet in Pearl Harbor, and the transactions occurred within approximately two weeks prior to the date of the attack.

The several documents heretofore mentioned are offered in evidence of a single exhibit, under the next number.

132. General FRANK. I think you had better give a designation of the thing as a whole, so if somebody wants to come back and see that he will know where it is.

133. Colonel TOULMIN. All right. The Otto Kuehn trial and conviction record, with appended affidavits and copies of the incriminating messages.

134. General FRANK. Where on file?

135. Colonel TOULMIN. The complete record, with attached exhibits, is on file in the records of the Hawaiian Department, now under the control of the Headquarters Pacific Area.

(Copy of essential documents in re Bernard Julius Otto Kuehn, was marked Exhibit No. 52 and received in evidence.)

136. Major CLAUSEN. I shall read into the record at this time Office Memorandum, United States Government; date: September 11, 1944; to: SAC, Honolulu; No. 65-33780; from: John Edgar Hoover, Director—Federal Bureau of Investigation; his initials, "JEH":

[3800] (Memorandum dated September 11, 1944, from John Edgar Hoover to Sac, Honolulu, is as follows:)

Subject: KURT FREDERICK LUDWIG was; et al; ESPIONAGE—G

Reference is made to your radiogram dated September 10, 1944, and to Bureau cable dated September 11, 1944.

The information desired by Major Clausen is a letter addressed to C. W. Smith, Esquire, Post Office Box 1254, Shanghai, China, which had enclosed a postal card depicting Diamond Head and a map of the Island of Oahu. The letter was signed "Hmar."

On March 18, 1941, an individual having a passport in the name of Julio Lopez was killed at Times Square, New York City, by a taxicab and it was subsequently determined that his true name was Ulrich von der Osten. Investigation determined that Von der Osten had been sent to the United States by the German Intelligence to direct the espionage activities of Kurt Frederick Ludwig and his associates.

A Laboratory report reflecting the identification of the handwriting of Lopez with that on the "Hmar" letter is attached for your information.

Ludwig and all of his associates received substantial sentences for their espionage activities in March of 1942.

Attachment

[3801] The attachment I offer in evidence as the exhibit next in order.

(Copy of laboratory report of F. B. I. dated November 19, 1941, re: HMAR; C. W. Smith; Espionage (G), was marked Exhibit No. 53 and received in evidence.)

137. General GRUNERT. All right. We shall go to other business.

(Whereupon, at 10:10 a. m., the Board, having concluded the hearing of witnesses for the morning, took up the consideration of other business.)

[3802]

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[3803]

PROCEEDINGS BEFORE THE ARMY PEARL HARBOR BOARD

MONDAY, SEPTEMBER 18, 1944

FORT SHAFTER, TERRITORY OF HAWAII.

The Board, at 9 a. m., pursuant to recess on Saturday, September 16, 1944, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry D. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF COLONEL BERNARD L. ROBINSON, CORPS OF ENGINEERS, 520 1ST ENGINEERS CONSTRUCTION, HOLLANDIA, NEW GUINEA (Recalled)

1. Colonel WEST. Colonel Robinson is being recalled by the Board. The witness is reminded he is still under oath.

2. General GRUNERT. All right, General Frank, go right ahead.

3. General FRANK. Colonel Robinson, you have an additional statement that you would like to present to the Board?

Colonel ROBINSON. Yes, sir.

4. General FRANK. Is it a satisfactory mode of presentation, do you think, to read the statement that you have signed, and then to submit the chart as an exhibit?

Colonel ROBINSON. Yes, sir, that would be satisfactory.

5. General FRANK. All right, suppose you read your statement.

[3804] Colonel ROBINSON (reading):

Since appearing before the Army Pearl Harbor Board on September 15, 1944, I have reviewed the files of the District Engineer's office relative to appraisal of equipment owned by the Rohl-Connolly Company, and desire to submit in further explanation of my testimony, a copy of a memorandum to me signed by Mr. M. G. Parker. I submit this memorandum as Exhibit A to this statement. On the memorandum appears in my handwriting and initialed by me, a statement as follows: "Rentals added to appraisal exceed the appraisal price. Prices submitted by Rohl approved." My statement on this memorandum was written on or about March 12, 1942, and means that the rentals plus Mr. Parker's appraisal price exceeds the price at which the Rohl-Connolly Company appraised the equipment in question. A calculation was made of the rentals and it substantially exceeds the difference between Hawaiian Constructors appraisal and Mr. Parker's appraisal. The price asked by the Rohl-Connolly Company was therefore approved in accordance with Mr. Parker's recommendation. It would appear therefore that had the procedure suggested to me by the Board during my testimony been followed, to wit: the payment of rental plus Mr. Parker's appraisal of about March 12, a greater price would have been paid by the Government for this equipment than was actually paid under the procedure adopted.

The exhibit that refers to that much of this statement is this single letter here.

On the second point :

[3805] At my appearance before the Board on 15 September, it was stated that it had been reported to me that the equipment purchased from the Hawaiian Contracting Company was "junk," and that I had then said we would not purchase it. However, I caused an appraisal to be made by an employee of the Department named Gentry. An appraisal was also made by Mr. Roblee.

There is a copy of this here, attached, in 8 sheets.

The price asked by the Hawaiian Contracting Company was \$159,085. Gentry's appraisal was \$154,500. Roblee's was \$156,150. The appraisal was submitted to the District Engineer who approved it in the sum of \$156,411, or approximately \$2,500 less than the asking price.

And also what does not appear as part of this record, but which I checked in the District Files were the vouchers, which indicated it had been paid in the amount approved by the District Engineer.

The approval was dated March 13, 1942. It is to be noted that each and every item of equipment was appraised by competent appraisers at some substantial value and any statement therefore that this equipment or any item of it was "valueless," "worthless" or "junk" is in error and any inference that the government did not get full value is incorrect.

6. General FRANK. What about the next page?

Colonel ROBINSON. That is the exhibit.

7. General FRANK. That is part of the exhibit?

Colonel ROBINSON. Yes. I can read this first exhibit. The other will be rather bulky. This is a memorandum to [3806] Colonel Robinson under date of March 12th.

8. General FRANK. Just a minute. This is written to you by Mr. Parker, the man who made the appraisal?

Colonel ROBINSON. Yes, sir.

9. General FRANK. All right.

Colonel ROBINSON (reading) :

(Memorandum to Colonel Robinson from M. G. Parker, dated March 12, 1942, is as follows:)

With reference to the attached appraisal of equipment owned by Rohl-Connolly Company :

It has been explained that it will be necessary for the government to pay back rental on this equipment from the time of delivery.

If the rental from the time of delivery plus the appraised price shown on the attached list exceeds the price set by the Rohl-Connolly Co., it is recommended the purchase price asked by the Rohl-Connolly Co. be accepted.

Signed: "M. G. Parker, Appraiser."

And the following is in ink in my handwriting :

Rentals added to appraisal exceed the appraisal price. Prices submitted by Rohl approved.

And initialed by me "B. L. R."

(Eight-page estimate of equipment, Hawaiian Contracting Co., Ltd., was marked Exhibit 54 and was received in evidence.)

[3807] 10. General FRANK. You have seen the basic contract?

Colonel ROBINSON. Yes, sir.

11. General FRANK. With the Hawaiian Constructors?

Colonel ROBINSON. Yes, sir.

12. General FRANK. That contract provides for rental of equipment, is that correct?

Colonel ROBINSON. I believe it does, yes, sir. I have not reviewed it recently.

13. General FRANK. That is rental of equipment from the Hawaiian Constructors?

Colonel ROBINSON. Yes.

14. General FRANK. What written agreement existed which provided for the payment of rental equipment that belonged to the Rohl-Connolly Company?

Colonel ROBINSON. I do not know, sir.

15. General FRANK. Then what authority did you have for authorizing rental?

Colonel ROBINSON. I did not authorize rents.

16. General FRANK. Was not the difference between the appraisal and the amount that was paid the difference between the appraisal value and the appraisal value plus the rental?

Colonel ROBINSON. This was a means of arriving at the value of the equipment at the time the Government received it. It was the basis used for arriving at that value.

17. General FRANK. How long had they had it? How long did they use it?

Colonel ROBINSON. The Government had received it in Los Angeles some time prior to December 7th. I do not know the exact date, but it was prior to December 7th, because that was [3808] the equipment that was in the vicinity of Christmas Island on December 7th, on the LUDINGTON.

18. General FRANK. How long had they used it?

Colonel ROBINSON. I believe it arrived here some time in January, but I am not certain of the date.

19. General FRANK. Of what year?

Colonel ROBINSON. Of 1942.

20. General FRANK. It arrived here in January of 1942?

Colonel ROBINSON. That is my recollection. I am not sure of the date.

21. General FRANK. And this is being bought in March?

Colonel ROBINSON. Yes, sir.

22. General FRANK. Therefore, for 3 months use you are paying 26 percent of its value?

Colonel ROBINSON. No, sir. This is a means of arriving at the value of the equipment at the time it was received by the Government.

23. General FRANK. But what is your explanation of the consideration for the rental?

Colonel ROBINSON. Mr. Parker appraised the equipment as of March 12th. That was its value on that date. In order to arrive at the value on the date on which the equipment was received, a means of computation was used of simply checking the fairness of Mr. Rohl's price or the Rohl-Connolly price, of adding to Mr. Parker's appraisal what the government would have paid in rental had it rented the equipment.

24. General FRANK. But it did not rent the equipment?

Colonel ROBINSON. No, sir, it purchased it outright.

25. General FRANK. Yes.

[3809] Colonel ROBINSON. Shortly after this date.

26. General FRANK. Since it did not rent this equipment, I do not understand your explanation, because Mr. Parker in his report says it will be necessary for the Government to pay back rental on this equipment from the time of delivery and in the following memorandum—

Colonel ROBINSON. That is Mr. Parker's statement

[3810] 27. General FRANK. And in the following memorandum that you signed you say, "Rentals added to appraisal exceed the appraisal price. Prices submitted by Rohl approved."

Colonel ROBINSON. Yes, sir.

28. General FRANK. Well, that is where you enter into the rentals.

Colonel ROBINSON. No, sir. I didn't accept that price. I accepted a lower price, which was the price given by the Rohl-Connolly Company.

29. General FRANK. But right there you took rentals into consideration?

Colonel ROBINSON. Yes, sir.

30. General FRANK. And what authority did you have for it?

Colonel ROBINSON. I had the—it was simply a means of arriving at the—at a fair price, to determine what the actual value of the property was.

31. General FRANK. Was there a voucher signed on which this property was paid for?

Colonel ROBINSON. Yes, sir.

32. General FRANK. Who signed the voucher?

Colonel ROBINSON. I remember seeing the disbursing officer's signature, Major McCrone's signature, on there. I don't know who approved the voucher, sir.

33. General FRANK. Somebody had to sign the voucher that the property taken over was, at the time it was bought, fit for the purpose for which it was to be used and was worth the price that was being paid for it, didn't he?

Colonel ROBINSON. Yes, sir.

34. General FRANK. That is a regular, standard voucher, [3811] isn't it?

Colonel ROBINSON. Yes, sir.

35. General FRANK. And if that voucher was signed, in the face of your explanation here, that certification couldn't have been correct?

Colonel ROBINSON. I don't understand that statement, sir.

36. General FRANK. Well, because this is being taken over as of March 12.

Colonel ROBINSON. Yes, sir.

37. General FRANK. And you have the appraised value of it as of March 12 as being some 26 percent less.

Colonel ROBINSON. Well, the recommendation of the appraiser is that in the event that under this computation the price exceeds that asked by Rohl, the price be approved as asked by Rohl, which was done.

38. General FRANK. Yes, but the appraiser had pressure brought upon him to make this statement (indicating). We have had the appraiser before this Board.

Colonel ROBINSON. Did you?

39. General FRANK. Yes.

Colonel ROBINSON. Well, if he considered pressure, I certainly brought no pressure to bear on him.

40. General FRANK. Go ahead.

41. Major CLAUSEN. Colonel Robinson, you come now before the Board, and you give a statement here in explanation or change of your testimony; is that correct?

Colonel ROBINSON. It's an explanation of it, yes, sir.

42. Major CLAUSEN. All right. Now, you say here:

On the memorandum appears in my handwriting and [3812] initialed by me, a statement as follows: "Rentals added to appraisal exceed the appraisal price."

What basis whatsoever was there for that rental, in writing?

Colonel ROBINSON. None that I know of, sir.

43. Major CLAUSEN. All right. You tell me here in this statement that you have reviewed the files of the District Engineer's office relative to this matter since you testified. You have looked for that and couldn't find it, haven't you?

Colonel ROBINSON. No, sir, I didn't look for any such thing.

44. Major CLAUSEN. Well, why did you not look for the basis for the rentals?

Colonel ROBINSON. I have explained before that this method was a method—I have forgotten whether it was my idea to do it that way or whether it was the District Engineer's to do it that way: a basis of arriving at the true value of the equipment at the time the Government received it.

45. Major CLAUSEN. Don't you understand that before you can pay rent to anyone there is a prescribed procedure that must be followed—

Colonel ROBINSON. I paid no rent, Major.

46. Major CLAUSEN. —which assumes a written agreement, sir?

Colonel ROBINSON. I paid no rent.

47. Major CLAUSEN. Was the procedure that you followed in this regard with respect to rent your usual procedure in the Engineering Department when you were under Colonel Wyman here?

Colonel ROBINSON. It was the procedure to check the value of the equipment, yes, sir.

48. Major CLAUSEN. Was the procedure that you followed in [3813] this case your usual procedure with regard to payment of rents? Just answer yes or no, and explain.

Colonel ROBINSON. I don't believe I can answer that yes or no. It was one of the checks made in the cases where property had been in use prior to the time that the appraisal was made, which, due to the circumstances at around December 7th, where troops and other agencies were taking this property and putting it to use without any authority, and later the District Engineer's office having to settle up those accounts, that was a procedure used; yes, sir.

49. Major CLAUSEN. Regardless of what this contract stated, you would pay rental without any written agreement?

Colonel ROBINSON. I have stated that we did not pay the rental.

50. General FRANK. Let me ask him, just a minute.

Colonel ROBINSON. That it was a method of arriving at the true value of the equipment.

51. General FRANK. If you didn't pay any rental, let me ask you this: For how long was the equipment actually used?

Colonel ROBINSON. Well, to the best of my knowledge the equipment arrived here in January on the LUDINGTON. Now, I have stated that I couldn't recall the exact date.

52. General FRANK. And it was used but two or three months?

Colonel ROBINSON. From January until March 12, if that's the period we are taking up, yes, sir.

53. General FRANK. And the rest of the time from the time it was put on the boat at Los Angeles it was on the LUDINGTON?

Colonel ROBINSON. Yes, sir.

54. General FRANK. That is correct, isn't it?

[3814] Colonel ROBINSON. Well, I don't know, sir. I believe some of it was taken off at Christmas Island.

55. General FRANK. But you don't know?

Colonel ROBINSON. I am not sure of that.

56. General FRANK. You don't know?

Colonel ROBINSON. I don't know, no, sir.

57. General FRANK. Yes. But, so far as you know, it was not in use by the Government other than in transit on a boat?

Colonel ROBINSON. Some of it possibly at Christmas Island.

58. General FRANK. Yes.

Colonel ROBINSON. The remainder in transit on the boat, yes, sir.

59. General FRANK. Yes. Now, do you think that 26 percent is a reasonable rental on equipment for two or three months' use?

Colonel ROBINSON. Well, the life of some of the equipment is as low as one or two years; the life of some of the equipment.

60. General FRANK. Well, if that is right, the equipment would pay for itself in five months? Four months?

Colonel ROBINSON. Yes, sir. But we didn't pay that. We paid less than that.

61. General FRANK. I know. But do you think that 26 percent is a reasonable rental for two or three months' use?

Colonel ROBINSON. Well, it sounds high.

62. General FRANK. It sounds high?

Colonel ROBINSON. Yes, sir.

63. General FRANK. All right. Then, the difference between any rental, if there were any, and what you paid, was an excess in appraisal, because the equipment should have arrived, to all intent and purposes, in as good condition as when it left Los Angeles?

[3815] Colonel ROBINSON. No, sir, I don't believe that.

64. General FRANK. Well, do you know anything about it?

Colonel ROBINSON. That particular equipment?

65. General FRANK. No. Do you know whether it suffered en route?

Colonel ROBINSON. No, sir, I don't recall it.

66. General FRANK. All right; go ahead.

67. Major CLAUSEN. Well, if you don't know, from where did you get your information as to whether the rentals added to appraisal exceed the appraisal price? Why do you think that the rentals added to appraisal—

Colonel ROBINSON. I believe I made the computation myself, sir.

68. Major CLAUSEN. You made a computation?

Colonel ROBINSON. Yes, sir.

69. Major CLAUSEN. You had read this basic contract, though, hadn't you? This is a stock form of contract?

Colonel ROBINSON. I had at that time, yes, sir.

70. Major CLAUSEN. And you knew then, as it stated here and as read by General Frank, that each contract for rental of construction plants equipment, and so forth, shall be in a form prescribed by the Secretary of War, approved by the contracting officer? You knew that then?

Colonel ROBINSON. Yes, sir.

71. Major CLAUSEN. And you had no such form or contract before you, did you?

Colonel ROBINSON. On this equipment rental?

72. Major CLAUSEN. Yes, sir, on the equipment.

Colonel ROBINSON. That's the only contract I know of.

[3816] 73. Major CLAUSEN. You had no such contract for the rental of this Rohl-Connolly Company equipment, did you?

Colonel ROBINSON. No, sir.

74. Major CLAUSEN. All right. Now, you said to the Board here something with regard to this second point, and you furnished several so-called appraisals by various men. Who was this man Gentry?

Colonel ROBINSON. Gentry was an employee of the District Engineer, sir.

75. Major CLAUSEN. He was representing the Hawaiian Constructors, was he not, in making this appraisal?

Colonel ROBINSON. No, sir. I believe Mr. Roblee was representing the Hawaiian Constructors.

76. Major CLAUSEN. Well, you believe. Do you know, sir?

Colonel ROBINSON. I am fairly certain of that.

77. Major CLAUSEN. Do you understand that a Colonel Hunt, John E. Hunt, made a very exhaustive study of this matter?

Colonel ROBINSON. I may have the two men's names mixed around. I believe that one of these men is an employee of the Department and the other is an employee of the Hawaiian Constructors.

78. Major CLAUSEN. This man Roblee, H. J. Roblee, who was he?

Colonel ROBINSON. I was under the impression—I may be wrong—that Gentry represented us and Roblee represented the Hawaiian Constructors.

79. Major CLAUSEN. In other words, Mr. Gentry was employed by the Hawaiian Constructors but represented the Engineering Corps in this matter; is that right?

Colonel ROBINSON. I believe one of these men represented [3817] the Engineering Corps.

80. Major CLAUSEN. But you don't know?

Colonel ROBINSON. I don't know at the moment, no, sir. I can probably find that out from the records.

81. Major CLAUSEN. Well, you say you examined the files. Don't you think that is rather important, for you to see whether the Government had a man in on this appraisal, sir?

Colonel ROBINSON. Well, probably I should have checked it further, yes, sir.

82. Major CLAUSEN. But you haven't done that?

Colonel ROBINSON. No, sir. I can do that, however.

83. Major CLAUSEN. And this Mr. H. J.—

84. General FRANK. Haven't you already submitted this as sworn testimony?

85. Major CLAUSEN. Yes.

Colonel ROBINSON. Yes, sir.

86. Major CLAUSEN. And had we not had the privilege of cross-examining you, don't you know that this may have swayed the Board?

(There was no response.)

87. Major CLAUSEN. Who is this Mr. H. J. Roblee that you refer to in your statement?

Colonel ROBINSON. I will have to find out, sir.

88. Major CLAUSEN. You don't know?

Colonel ROBINSON. I don't know at this time, no, sir.

89. Major CLAUSEN. All right. Who else was in on this appraisal that you referred to here? Mr. Gentry and Mr. Roblee and who else?

Colonel ROBINSON. As far as I know, those were the only two appraisers, as given by this record right here.

[3818] 90. Major CLAUSEN. Wasn't there a Mr. Ross?

Colonel ROBINSON. Not to my knowledge.

91. Major CLAUSEN. A Mr. Edward Ross, an employee of the Hawaiian Contracting Company? You don't know that either, sir?

Colonel ROBINSON. Well, we had the Hawaiian Contracting Company price here. I don't know who his represent—who brought up this price over here.

92. Major CLAUSEN. Well, do you know if a Mr. Edward Ross, an employee of the Hawaiian Contracting Company, had anything to do with this appraisal?

Colonel ROBINSON. No, sir; I don't recall Mr. Ross.

93. Major CLAUSEN. Do you know whether this appraisal that you have offered to the Board here this morning is the amount substantially, named in a letter addressed by Mr. Rohl to the District Engineer, dated 9 January 1942, that he wanted?

Colonel ROBINSON. That may be true. I don't know, sir.

94. Major CLAUSEN. Do you know that?

Colonel ROBINSON. No, sir, I don't.

95. Major CLAUSEN. You haven't found that in your search of the files?

Colonel ROBINSON. My search of the files simply asked for—calling for the documents on the appraisals.

96. Major CLAUSEN. No. Colonel, you say you have reviewed the files?

Colonel ROBINSON. Yes, sir.

97. Major CLAUSEN. Relative to that appraisal?

Colonel ROBINSON. I have reviewed these files.

98. Major CLAUSEN. Now, just refer back to the Rohl-Connolly [3819] equipment. That was finally at a price set by Mr. Rohl; isn't that correct? Some \$166,000?

Colonel ROBINSON. That was his asking price; yes, sir. I believe so, sir.

99. Major CLAUSEN. Yes. Now, I am asking you the question, with regard to this property purchased from the Hawaiian Contracting Company, whether the same thing wasn't true there, that Mr. Rohl

suggested this price that was finally the appraisal of these three men, Gentry, Roblee, and Ross.

Colonel ROBINSON. It may have been. I do not know, sir.

100. Major CLAUSEN. Now let me ask you this: You said here in this statement this morning—

(There was colloquy off the record.)

101. Major CLAUSEN. You say now something about this equipment not being junk. You make the bald statement here;

It is to be noted that each and every item of equipment was appraised by competent appraisers at some substantial value and any statement therefore that this equipment or any item of it was "valueless," "worthless," or "junk" is in error and any inference that the government did not get full value is incorrect.

Whose language is that?

Colonel ROBINSON. That is my language, sir.

102. Major CLAUSEN. And when did you dictate that?

Colonel ROBINSON. I did not dictate it, sir. I wrote it in longhand on the—Saturday, I believe it was.

103. Major CLAUSEN. Don't you know, sir, that some of that same equipment is, even today, or as recently as a few days ago, unused because it was just plain, clear junk?

[3820] Colonel ROBINSON. No, sir; I don't know that.

104. Major CLAUSEN. Have you looked to see?

Colonel ROBINSON. No, sir.

105. Major CLAUSEN. Have you inquired to find out?

Colonel ROBINSON. No, sir.

106. Major CLAUSEN. And yet you made that statement that it is not junk, and you haven't inquired to find out?

Colonel ROBINSON. I base that on this record right here.

107. Major CLAUSEN. You base it on the appraisal?

Colonel ROBINSON. Yes, sir.

108. Major CLAUSEN. But the appraisal was made before the price was paid, wasn't it?

Colonel ROBINSON. Yes, sir.

109. Major CLAUSEN. So you don't know whether the equipment was ever used or not, do you?

Colonel ROBINSON. No, sir; I don't.

110. Major CLAUSEN. All right; that is about all.

[3821] 111. General RUSSELL. Colonel, in this written affidavit which you have submitted, I copied, or understood you to read, this language:

A calculation was made on the rentals.

That is in that statement?

Colonel ROBINSON. Yes, sir.

112. General RUSSELL. Was that a written calculation?

Colonel ROBINSON. As I recall, it was made by me. I looked in the files for that and couldn't find it. It was probably based on the AGC rentals which I spoke of the other day, but I remember making such a computation.

113. General RUSSELL. Do you remember how old that equipment was when it came into the hands of the Government?

Colonel ROBINSON. No, sir; I don't recall that.

114. General RUSSELL. As a matter of fact, it had been used rather extensively and had been repaired by Rohl prior to the time it was brought to the islands, had it not?

Colonel ROBINSON. I am quite sure it was used equipment. Yes, sir; it was in use over there in Los Angeles, or in the vicinity of Los Angeles.

115. General RUSSELL. Do you remember the argument with Rohl, in which he was charged with having painted over defects in this machinery or this equipment, and in which Rohl asserted rather vigorously that that statement was untrue, that they had spent considerable money in putting it in condition? Do you recall that argument?

Colonel ROBINSON. No, sir.

116. General RUSSELL. But you do have the definite impression that it was second-hand, repaired equipment when it was loaded on the boat in Los Angeles and sent out?

[3822] Colonel ROBINSON. Yes, sir; I have that impression.

117. General RUSSELL. Do you know how long this equipment was in use?

Colonel ROBINSON. No, sir; I don't recall that. I left here about the middle of May 1942.

118. General RUSSELL. Colonel, my view of it is that the rental agreement, the basis for arriving at that sum of approximately \$35,000 for the use of this second-hand equipment which had a market value of only \$130,000, for the short period of January, was approximately 60 days. I repeat that I believe the Board, or I as an individual Member of the Board, at least, am very much interested in the basis of that rental calculation, and if it is possible for you to give us a more intelligent idea as to those bases, it would be helpful.

Colonel ROBINSON. Yes, sir.

119. General RUSSELL. That is all I have.

120. Colonel TOULMIN. Colonel, may I ask you just a question or two, to clear up this matter? Why was it, if you were going to pay rental indirectly, as the procedure indicates that you did, in taking it into consideration as a partial basis of compensation to the contractor, that you did not follow the normal procedure specified by the basic contract as to having written documents duly approved authorizing the payment of all rental? Why did you not follow that procedure?

Colonel ROBINSON. Well, probably the price to the Government would have been greater under that scheme. That is probably the reason.

121. Colonel TOULMIN. Let us assume it was. Let us assume [3823] It would have been greater, and, if just, the Government could have paid the larger fee; but I am asking you the question, why, did you not follow the normal procedure as to rentals specified by the basic contract?

Colonel ROBINSON. I don't believe that that was my decision, sir.

122. Colonel TOULMIN. Whose decision was it?

Colonel ROBINSON. I believe it was the District Engineer.

123. Colonel TOULMIN. Colonel Wyman's?

Colonel ROBINSON. Or some agreement that was reached.

124. Colonel TOULMIN. Was the decision Colonel Wyman's?

Colonel ROBINSON. Yes, sir. I don't recall weighing that, or having that authority.

125. Colonel TOULMIN. I see. So your recollection is it was Colonel Wyman's decision?

Colonel ROBINSON. That is my recollection; yes, sir.

126. Colonel TOULMIN. Are you aware of the fact that the contractor, the seller, might have made a very substantial additional profit by this procedure, against the Government interests, by treating the rental as a part of a sales price, instead of as income, and paid income-tax upon it? Did you take that into consideration?

Colonel ROBINSON. I don't believe I get the point, sir, on income tax.

(Question read.)

Colonel ROBINSON. I didn't take into consideration any tax matters; no, sir.

127. Colonel TOULMIN. I think that is all.

127-A. General RUSSELL. I want to ask a question based on this [3824] last testimony. Now, do I understand, Colonel, that it is your present testimony that as you remember you were directed by Colonel Wyman to make this calculation of the rentals due on this equipment?

Colonel ROBINSON. No, sir; I didn't state that. I am not sure that that was so.

128. General RUSSELL. Well, why did you make the calculation, not in keeping with the provisions of the basic contract? As I recall, now, you stated that the decision to make the calculations not in keeping with the terms of the basic contract was Colonel Wyman's decision.

Colonel ROBINSON. No, sir.

129. General RUSSELL. I am merely attempting to get that straight.

Colonel ROBINSON. No, sir. I believe my statement was that it was Colonel Wyman's decision to buy the equipment on the basis on which it was bought. I believe it was my decision, working under Colonel Wyman's direction, to have the property appraised, to use the method which I have described here.

130. General RUSSELL. I am afraid you are running around the stump on us, to use a common expression, Colonel.

Colonel ROBINSON. No, sir. There were two questions.

131. General RUSSELL. Now, wait a minute. I would like to have an answer to a very simple question. The calculation of the rentals was made not in keeping with the basic contract. Now, somebody made the decision to calculate the rentals in that way, and I want to know whether you made that decision, or whether Wyman made it. Now, do you understand the question?

[3825] Colonel ROBINSON. Yes, sir.

132. General RUSSELL. All right. Can you answer that?

Colonel ROBINSON. To the best of my knowledge, I used that method.

133. General RUSSELL. And you made the decision to use that method?

Colonel ROBINSON. In arriving at an appraisal price which I could submit to the district engineer.

134. General RUSSELL. That question may be answered Yes or No. Many questions cannot; that one can.

Colonel ROBINSON. I believe I answered it, sir. To the best of my knowledge I made the decision to use that method of arriving at the final appraisal price to submit to the district engineer.

135. General RUSSELL. Very well.

136. General GRUNERT. Did the district engineer approve your method of attempting to arrive at an appraisal price in that manner?

Colonel ROBINSON. He approved the recommendation. I don't know as he approved the details of it.

137. General GRUNERT. Did you recommend that the appraisal price be set at \$166,000, or whatever it was, and not at \$131,000? Did he have knowledge of how you arrived at the \$166,000, instead of taking the \$131,000?

Colonel ROBINSON. Yes, sir.

138. General GRUNERT. He had knowledge of that?

Colonel ROBINSON. Yes, sir.

139. General GRUNERT. And you acted as his agent in doing that?

[3826] Colonel ROBINSON. Well, I submitted it to him for approval, sir.

140. General GRUNERT. For approval?

Colonel ROBINSON. He had to approve it; yes, sir.

141. General GRUNERT. With full knowledge of how you arrived at it?

Colonel ROBINSON. Yes, sir; he had full knowledge; yes.

142. General GRUNERT. And he had full knowledge of the appraised value as made by Parker, did he?

Colonel ROBINSON. Yes, sir.

143. General GRUNERT. And he had full knowledge of the reason for hiking that price from Parker's up to the actual price at which it was sold?

Colonel ROBINSON. He had knowledge of the full transaction; yes, sir.

144. General GRUNERT. And therefore he consummated the deal by saying to sell it at that new price, which was figured between the appraised price and the price that they got, and with the addition of what they called the "rentals," or what corresponded to a consideration of rentals?

Colonel ROBINSON. Yes, sir. He made the final approval.

145. General GRUNERT. Are there any other questions?

146. General FRANK. How soon after this arrangement was made did Colonel Wyman leave the territory?

Colonel ROBINSON. I am under the impression that he left somewhere around the 22nd of March. His approval I believe was around the 13th. That would be about nine days. It is my recollection he he was relieved on the 15th, and the best of my recollection is he remained here about one week there- [3827] after.

147. General FRANK. When Mr. Parker was sent out to get this appraisal on this Hawaiian Constructors property, he was directed to accomplish it in one day. What was the haste in getting this accomplished before Colonel Wyman left, or before he relinquished control?

Colonel ROBINSON. I believe it was his desire to wind up all the loose ends prior to the time he left.

148. General FRANK. So this was a "loose end"?

Colonel ROBINSON. Yes, sir.

149. General FRANK. I have nothing further.

150. General GRUNERT. Is there anything you wish to add?

Colonel ROBINSON. No, sir.

151. General GRUNERT. Thank you for coming down.

(The witness was excused, with the usual admonition.)

152. Major CLAUSEN. I would like to read into the record paragraph "c" on Page 13, paragraph "c" and paragraph "d" on page 15 of Colonel Hunt's Report.

(Excerpts from report of Colonel Hunt:)

Page 13, paragraph "c":

It appears to be reasonably certain that the equipment in question had been in actual use for various lengths of time during January, February, and part of March at the time of purchase, although use records were not available and apparently were not maintained. There was no record of any rental agreement relating to any of this equipment. It is quite possible that assuming the fairness of Mr. Parker's appraisal on 12 March, the equipment had a substantially higher value when delivered to the site of use or at point of shipment. It does not, however, appear that a depreciation of [3828] approximately \$35,000 in value, or about 26% could have occurred in that period. No suitable basis was available upon which to reconstruct a fair value to apply to the equipment as of the date of delivery. Mr. Rohl's effort to sway the appraiser's judgment by references to rentals due, seems an obvious effort to distort the facts in his own favor. All trace of the retained voucher and supporting papers was missing. No memoranda or other papers were found in connection with Colonel Wyman's letter directing the purchase at Mr. Rohl's figures. In the absence of justifying evidence or testimony, the conclusion seems inescapable that Colonel Wyman was unduly swayed, contrary to the Government's interests, by an unwarranted acceptance of these representations of Mr. Rohl in the face of conflicting recommendations.

8. a. It is next alleged that just prior to his departure from Hawaii, Colonel Wyman rushed through a purchase of equipment from the Hawaiian Contracting Company paying \$156,411 for the lot, including a considerable amount of equipment, as mentioned in c below, that was unfit for the emergency used for which, it was represented, it was immediately needed. In this connection, the procedure to be followed in purchasing equipment in Hawaii was recommended in a letter signed by Mr. Rohl. (Exhibit P) The procedure was to base payment upon an appraisal to be made by a Mr. Bruce Gentry, representing the Hawaiian Constructors; a Mr. H. J. Roblee, employee of the Edward R. Bacon Company of Honolulu and a third man representing the owner. In the [3829] case of the equipment purchase now in question, the third party was Mr. Edward Ross, employee of the Hawaiian Contracting Company. These three appraised the equipment in question, placing an upper value of \$156,150 upon it. This appraisal was substantially the amount named in a letter addressed to Mr. Rohl to the District Engineer dated 9 January 1942. In this case, the Government was not properly represented. Mr. Roblee, ostensibly the Government's representative, owed his livelihood to the Edward R. Bacon Company, of which the Hawaiian Contracting Company was a substantial customer in equipment purchases, his interests relating to those of his employer and its substantial customer. Mr. Gentry was a contractor employee and Mr. Ross obviously served the interests of the vendor.

Page 14, paragraph "c":

The items hauled to salvage, unused, totaling \$9,100, were examined by the investigating officer. These items were so far obsolete as to warrant the description "archaic". Some of the Watson wagons (hand operated, bottom dump wooden wagons) were arranged for animal draft, while others had been equipped with trailer tongues. All had been robbed of metal parts before the purchase, some were badly rotted and others were termite eaten beyond any possible usefulness. Scrapers, scarifiers and like items were incomplete, badly rusted and of doubtful useability, even in an extremity. Other items accepted and taken into possession of the District Engineer subsequent to 1 July 1942 aggregated

another \$20,511. These last [3830] items were useable, but their acquisition was totally unnecessary, suitable like items having been available in sufficient quantity prior to acceptance by the District Engineer's forces.

Page 15, paragraph "d":

This transaction was directed by Colonel Wyman on 13 March 1942, and payment was effected in the same manner as in the case of the Rohl-Connolly equipment (Paragraph 7). The files yielded no correspondence in the matter other than that mentioned herein. In the course of Major Lumsden's inquiry, it developed that the District Engineer's appraiser had undertaken an appraisal of some items of this equipment, had been denied access to it on the first attempt, and had later been permitted to examine it with the result that on the items inspected, values were recommended which were in substantial agreement with those later used, in the actual purchases. Nothing further was done at that time, however, and when the purchase was finally directed, this appraisal was ignored and the new one made as indicated above.

[3831] **TESTIMONY OF BRIGADIER GENERAL JOHN STEWART BRAGDON, CHIEF OF CONSTRUCTION DIVISION, OFFICE OF CHIEF OF ENGINEERS, WAR DEPARTMENT, WASHINGTON, D. C.**
(Recalled)

1. Colonel WEST. General Bragdon is appearing before the Board as a witness at his own request, and the witness having been previously sworn, it will not be necessary to swear him again, but he is reminded that he is still under oath.

2. General FRANK. General Bragdon, I understand as a result of a telephone conversation with you that you have a statement in extension of testimony already submitted to the Board that you would like to submit this morning.

General BRAGDON. Yes, sir.

3. General FRANK. Will you proceed, sir.

General BRAGDON (reading):

My purpose is primarily to cover two questions which the Board has raised from the general viewpoint of the procedure of the Engineer Department. One was the inquiry as to who was responsible for the progress of the work. The other was as to the methods or procedures with reference to the length of time needed to meet the requirements of these procedures as it might affect speed of doing work.

I had originally desired to submit information on these questions to the Board and on understanding that I could not appear before it, much of the matter was prepared for inclusion in Colonel Wyman's affidavit which is supplementing his original statement. This affidavit is being submitted today and what I say will be only partly included therein. However, I shall refer to the same exhibits and not enlarge the Board's report by repeating them.

[3832] 4. General GRUNERT. May I interrupt there? Where did you get the impression that you could not appear before the Board as a witness?

General BRAGDON. Your letter to me stated that, sir.

5. General GRUNERT. That you could not appear before the Board as a witness?

General BRAGDON. Yes, sir. I have that here, sir.

6. General GRUNERT. I do not recall that you were told that you could not appear as a witness.

General BRAGDON. Shall I read it, sir?

7. General GRUNERT. Read that part.

General BRAGDON (reading):

With reference to paragraph 5, the Board will not hear General Bragdon in presenting additional evidence because it will not receive argument or presentation of counsel for anyone. Any additional evidence that can be brought out by witnesses may be presented by General Bragdon to the Assistant Recorder in accordance with the foregoing.

8. General GRUNERT. Very well; go ahead. The fact that the Board is now hearing you as a witness to present evidence is sufficient to show that the Board desires you to present whatever you wish to present. Is that right?

General BRAGDON. Yes, sir.

9. General FRANK. And he can be considered as a witness, by that paragraph.

10. General GRUNERT. He is here as a witness. I just wanted to make sure that the record did not show that at any time we denied his coming here.

11. General RUSSELL. I do not know that that is entirely [3833] satisfactory to me. Will you read the statement of the General about his not being permitted to appear here as a witness?

(Thereupon, the statement requested, as above recorded, was read by the reporter.)

12. General RUSSELL. This is what I had in mind, General: In your written statement you say this:

I had originally desired to submit information on these questions to the Board and on understanding that I could not appear before it, much of the matter was prepared for inclusion in Colonel Wyman's affidavit which is supplementing his original statement. This affidavit is being submitted today and what I say will be only partly included therein.

Now, the question that is troubling me is whether or not you think that any injustice has been done to the presentation of evidence to the Board from the standpoint of the Engineers by virtue of your having to include some of the things which you expected to say on these two questions in the Wyman affidavit.

General BRAGDON. Not now, sir. The very fact that I am here now, I think, takes care of all of that.

13. General RUSSELL. Let us not think about it too much. Is it your fixed belief now that the procedure that you have followed, including certain information in the Wyman affidavit, plus what you are going to say to us now, covers these subjects fully and adequately and in full justice to all concerned?

General BRAGDON. I would say, yes, sir, understanding that the facilities I have here are limited, that is, I found that some of these regulations, some of the later ones, were not [3834] here.

14. General RUSSELL. General, I am particularly directing these questions to the Board's procedure and asking if any Board procedure has worked an injustice to anybody concerned?

General BRAGDON. No, sir.

15. General RUSSELL. That is all.

16. Major CLAUSEN. The record also will show that the witness previously appeared before the Board as a witness and that he at that time was awarded those rights.

General BRAGDON. But that was quite impromptu, Major, you know. I didn't even know you were going to call me in.

17. General RUSSELL. I think the General and the Board understand each other.

18. General FRANK. Will you proceed, please?

General BRAGDON (reading) :

The responsibility for progress of work as well as the quality thereof runs through the entire chain of Engineering Command. The first step should be in the selection of the contractor.

I am talking now primarily with reference to negotiated contracts, because now, since the war period, that is what we have been primarily interested in. The selection of contractors cannot be held as of such great import on this, on the advertising method, because anybody can submit a bid and they have to take cognizance of the low bid, so these statements adjust themselves particularly to the negotiated form which is now presented.

The contractor is chosen after consideration of his managerial ability, experience record, financial position, plant owned or controlled by him and quality and number of [3835] his personnel. A contractor is selected whose experience record shows that he can accomplish expeditiously and efficiently the particular type of work for which he will be used. The officer who recommends or selects a contractor should assure himself in respect to all of the points mentioned. A good contractor realizes his responsibility for progress in meeting a completion date. His past record has been attained through the quality of his staff. A high quality contractor will always push his job.

The Engineer Department Officer in immediate contact with the work is usually the Area Engineer. If an Area Engineer has more than one job or project under him, he will have a Job Engineer or a Resident Engineer on each job. It is this Job Engineer or Area Engineer who has the initial responsibility of checking the contractor's progress as well as quality of the work. If it is a hired labor job, it is the Area Engineer or Job Engineer's personal responsibility. On contract work the Area Engineer and the Job Engineer are assisted by inspectors who are chosen because of their training, ability, and character.

Field Areas submit to the District Engineer semimonthly reports of progress of all items of work under their jurisdiction. There is being submitted with Colonel Wyman's affidavit an exhibit marked "K", which is a sample of the semi-monthly report for the construction project at a station. This sample was chosen at random. Semi-monthly reports cover a location and general description of the job, description of the date of the directive and supplemental directives, date on which layout plans were [3836] approved by higher command, date the lease of the land was approved, the percentage of completion for the various main elements of the project, the estimated cost, the status of plans and specifications, operations during the previous half-month period, and operations expected in the next half-month period. In addition, there is always included a set of bar graphs by which are shown all the important features of work, the scheduled completion and the actual completion realized.

Monthly reports of Engineer Operations were always required by Orders and Regulations of the Corps of Engineers. Beginning in the early part of 1941, semi-monthly reports were required for the military projects. These reports became more detailed as the press and importance of speeding up work became greater.

And the necessity for keeping constant touch and contact with it.

Area Engineers do not depend on their periodic reports alone for their contact with the District office. They are in constant contact with the District office to report difficulties and to seek assistance. The District Engineer's first step towards rushing progress is the careful selection of Area Engineers from men known to be able and vigorous operators.

For that "first" I would rather say: "Next step." I have already stated or brought out that the selection of the contractor is possibly the first step.

All District offices have Operations and/or Divisions whose tasks are to keep constantly in touch with the work [3837] and to inspect it both for progress and quality. Under pressure of work, most Districts also had additional Transportation Divisions, Control Divisions for coordinating and expediting

sections. The Honolulu District had a Transportation Division and a special coordinator in charge of inspection.

A Division is the next higher echelon above the District Engineer. The Division Engineer also receives the monthly reports of operation and the semi-monthly progress reports. Division Engineers habitually visit all projects under their jurisdiction or have some of their assistants do so. During the peak of the war period many Division Engineers had so great a number of projects that they had to constantly select those with the highest priority or those encountering the most difficulties for personal inspection, leaving inspection of the others to their assistants.

Above the Division Engineers is the Chief of Engineers. The semi-monthly progress reports described are transmitted to his office where the Control Section examines them minutely to determine which projects are falling behind. Projects of major importance which are falling behind would generally be visited at once by a special investigator. Investigations are made on every project which has fallen more than 2 percent behind. These inquiries are often made by telephone or teletype. If not considered that urgent a full explanation is required by letter.

Just in the last couple of months, in accordance with this procedure, I have sent special investigators out to different [3838] jobs, one in the middle West, one on the Pacific Coast, another on the East Coast.

The time-consuming processes previously inquired into by the Board are those required by law, by regulations of the War Department or of the Engineer Department, or long-established procedures. The general purposes of these laws, regulations and long-established procedures are to protect the government in expenditures, and to insure a high quality of work, through the checking and control by higher echelons. This control and checking has been and is generally by means of a distribution among various echelons —

who are responsible for the work,

of contractual authorities, and technical authorities, according to the magnitude thereof, and type of the work. The experience as to how such authority should be delegated has been gleaned through a long period of experience in execution of great public works.

There was a transition from peace-time methods of procedure to war-time methods which was generally accomplished by a decentralization of contractual authorities to lower echelons and a relaxation of the extent of review of Engineering and estimates by higher echelons. At the same time, however, in accomplishing military construction, it became necessary to obtain additional coordination by securing the review of the using service.

In other words, although we relaxed in many of our requirements, in doing military work, we had to constantly seek and secure the concurrences of the different technical services [3839] using services and tactical commands.

Sometimes concurrences of several other services or of tactical authorities were required. The procedures which consume time may then be divided into two general categories; namely, those necessary in securing approval or concurrence by tactical agencies or other using services responsible for operating, and those procedures involved in securing technical approval through Engineer channels. With respect to the coordination with tactical superiors and with other technical or using services, Colonel Wyman has given numerous illustrations in his affidavit. I can confirm that in my fairly extensive examination of the files in the office of the Honolulu District Engineer, I have seen great numbers of series of correspondence conducted by letters and staff memoranda. These series of correspondence often consumed not merely weeks but some months.

I do not offer any criticism of those staff memoranda. I do say they existed and were constant, and probably the great majority of them were necessary to get the concurrences and approvals.

19. General FRANK. Between whom?

General BRAGDON. A great many of them went to the Commanding General of the Hawaiian Department, primarily to his G-4, who was represented by his Department Engineer, and then he would coordinate them, for example, with the Signal Corps.

Before discussing briefly certain regulations, I would like to call attention to the fact that certain laws had to be changed before relaxation in contractual [3840] methods could be secured. One of the most fundamental laws governing the making of government contracts, if not the most fundamental, is that requiring the advertising for competitive bids for public works. The Act approved July 7, 1940, Public No. 703, 75th Congress, modified revised statutes in this respect. I am submitting as an exhibit—

the only one I intend to submit,

marked Exhibit 1, a circular letter from the Office of the Chief of Engineers, Finance Letter No. 226, dated December 9, 1940, which authorizes the Secretary of War to expend moneys for national defense purposes with or without advertising.

And that was a revolutionary thing, that without advertising.

Pertinent provision of this law are quoted in the exhibit.

There is a quotation of that law.

Another proviso of this law was the express authority to use the cost-plus-a-fixed-fee form of contract.

At the end there of this long quotation I have underlined that authorization.

I would like to discuss briefly the tabulations which are included with Colonel Wyman's affidavit marked Exhibits A, B, C and D to that affidavit. These exhibits are tabulations of the contractual authorities for advertised contracts, for negotiated lump sum and for negotiated cost-plus-a-fixed-fee contracts as those authorities were delegated to the District Engineer, to the Division Engineer and retained in or delegated to the Office of the Chief of [3841] Engineers, and in some cases, retained in the Under Secretary of War's office, and as those authorities varied in peace time of 1940, in later 1940, at the time of negotiation of the Hawaiian Constructors contract in December, 1940, just after that date and during 1941, just after Pearl Harbor, and then in the period which immediately followed. The tabulations were extracted from existing Orders and Regulations. Some of the Orders and Regulations were missing from the files of the District Engineer, and did not allow of a completely accurate checking. However, any inaccuracies which may exist in the tables do not affect the conclusions which are drawn.

20. General FRANK. Do you know whether or not those records ever were in those files?

General BRAGDON. These are the District Engineer's files.

21. General FRANK. There are certain things that are missing from them.

General BRAGDON. Well, I will say, in the first place, those things which are missing from them were ones which followed later in 1942, after the District had been absorbed by the Department Engineer, and should not affect very much the points I am making. I am quite sure they have them, sir, because I noticed a number of data the Board has asked for, they won't find it at first but eventually they have been able to find it.

22. General FRANK. Does that reflect on the administration of the office?

General BRAGDON. No, sir. Just for example, the Board wanted Colonel Robinson's testimony on that appraisal. That was put in another place—I have forgotten exactly where—which [3842]

was not unnatural to have been filed there, and they had been looking for it in another set of files, and they ran across it yesterday and I personally certified his handwriting on it.

In order to understand the limitations on the authorities of the District Engineer and the approvals that had to be secured by him in connection with his work as far as engineering and contractual matters were concerned, it is of highest importance that there be kept in mind that at the time of the negotiation of the Hawaiian Constructors' contract, it was about a year before Pearl Harbor. The great sense of urgency that existed after Pearl Harbor was not yet present, although changes from peace-time procedure had already begun to be made. In the tabulations referred to, the following points are brought out:

(1) The low magnitude of the peace-time authority, not only of the District Engineer but also of the Division Engineer, in the three important respects of approval of specifications, making of awards, and approval of contracts: The limitations in all three of these respects were \$10,000 for the District Engineer, and \$50,000 for the Division Engineer. Also, at that time no negotiated contracts were permitted under the law.

This was the one that existed at that time. The one in there, I think, was dated 1938 and ran up till some changes came in May of 1940, just a rather small amelioration of the requirements.

23. General FRANK. Are you submitting those in evidence, or just referring to them?

General BRAGDON. I was just referring to them.

[3843] The next progressive step, I should say, was the December 9th, 1940, circular which I have submitted as Exhibit 1. Shortly after that came one in the Regulations of 19 February, 1941. The pertinent matter that I wanted brought out was contained in this. I wanted to show these are the regulations they were taken out of. Then in another order, regulations came out in February, 1943.

The only reason I refer to that was, by that time or shortly prior to that this contained a lot of the elements which had been included in circulars as to the war-time procedures.

(2) The low limitation for the District Engineer continued up to February 19, 1941. As far as the approval of plans and specifications was concerned this meant that most plans and specifications had to be submitted to the Division Engineer on the mainland.

(3) However, it will be noted that in early December, 1940, the authority for making awards and approval of the contracts for both the Division and District Engineers had been increased up to \$50,000 for the District Engineer and above \$50,000 for the Division Engineer providing there was no protest when awarding was made. It was at this time that authorities for negotiated contracts were first permitted in accordance with the new law permitting performance of the work without advertising. It was under this authority for the use of C. P. F. F. contracts that the Hawaiian Constructors contract was negotiated.

(4) Early in 1941, still 10 months before Pearl Harbor, it will be noted that under the stress of the new [3844] work for the Air Corps a rather large decentralization took place consisting of:—

The Engineers Department took over the work for the Air Corps in December of 1940. Some of the things that happened about that time were:

(a) District Engineers were now permitted to approve specifications up to \$50,000, to make awards up to \$50,000, and to approve lump-sum contracts up to \$100,000. Authority to negotiate—

24. General FRANK. Was that arrangement to take over the Air Corps construction an arrangement between General Arnold and General Somervell?

General BRAGDON. I am not sure of that, sir. I was in Providence at that time, and I do not know exactly what happened.

25. General FRANK. Along about that time or some time in there, General Somervell had charge of construction in the Engineers Office, did he not?

General BRAGDON. He had charge of the Construction Division under the Quartermaster General, not under the Chief of Engineers.

26. General FRANK. What period was that?

General BRAGDON. It was at this period, and I know it continued for another year. I remember the two Decembers. December of 1940, from then to December of 1941 we did the Air Corps construction only. The rest of the military construction was done by General Somervell as a branch of the Quartermaster's office for that entire year, December, 1940, to December, 1941.

Authority to negotiate had been quickly taken advantage [3845] of. Limitations for the District Engineer for this was set up to \$100,000.

(b) In like manner, Division Engineers were now—still early 1941—

permitted to approve all specifications except for certain unusual cases. This meant that these did not have to go to Washington but only to the Division Engineer. Division Engineers were empowered to make awards up to \$500,000 in all cases, with only a few exceptions, and to approve of all contracts that the District Engineer forwarded, if on a standard form. Only those not on standard form had to go to Washington. On C. P. F. F. contracts, however, the limitation of the Division Engineer was fixed at \$500,000.

(c) It will be noted, however, that at this time—

This is shown in the tables. What I am doing now is drawing deductions that can be gotten from an analysis of the tables.

27. General FRANK. What tables?

General BRAGDON. The ones I referred to, which are submitted with Colonel Wyman's affidavit.

(c) It will be noted however, that at this time the authority to use the C. P. F. F. form of negotiated contract had to be first secured from the Under Secretary of War.

(5) It will be noted that from the tabulations decentralization had begun in May of 1940, or 19 months before Pearl Harbor.

(6) Attention is invited to the great decentralization made immediately after Pearl Harbor. The same month [3846] that Pearl Harbor occurred, the Engineer Department took over all military construction of the Quartermaster Corps. The decentralization after Pearl Harbor was many times what it had been before. The District Engineer now could approve all plans and specifications with exception only of certain unusual ones which were over \$100,000.

In other words, for the unusual ones, even if they were less than \$100,000, he could go ahead.

(7) The details of the additional decentralization under the war period are shown on the tabulations. It will be noted that later in the war period all advertised contracts became prohibited and that the authority of the District Engineer became \$3,000,000 and of the Division Engineer \$5,000,000.

In other words, it was just the absolute reverse of the peace-time period. They were not supposed to advertise at all. It had to be by negotiated contract.

As an addition to the table submitted by Colonel Wyman, the Division Engineer was in turn given authority to redelegate his entire authority up to \$5,000,000 for negotiated contracts, to District Engineers.

On all negotiated contracts.

In this connection the Chief of Engineers had delegated all his authority to Division Engineers. Any contract over \$5,000,000 had to go to the Under Secretary of War.

(8) It should be also noted that the contractual authority of District Engineers of \$3,000,000 was further delegated to Area Engineers.

I would like to add there that the Chief of Engineers [3847] insisted that the delegation be made, and if he found a Division Engineer or a District Engineer holding back from decentralizing the three administering authorities, he got after them quite vigorously, and the Division Engineers were likewise instructed.

(9) Exhibit "D" to Colonel Wyman's affidavit shows the relative authority for the execution of Change Orders to contracts. It shows similar trends to those described above. Decentralization in the execution of Change Orders began in 1941. Immediately after Pearl Harbor, decentralization was practically complete. The tabulation submitted in Table "D" in Colonel Wyman's affidavit was not complete in that a later change permitted a \$3,000,000 approval Change Orders by the District Engineer, or \$5,000,000 upon a re-delegation from the Division Engineer. In like manner, the table does not show a later change of an increase to \$5,000,000 limitation for the Division Engineer.

In the specific case of the District Engineer of Honolulu, four days after the attack at Pearl Harbor, the Division Engineer delegated to the District Engineer all of his contractual authority, upon instructions from Washington.

Since the Office of the Chief Engineer delegated to the Division Engineer his authority, that meant that the delegation was all that the Engineer Department had to give, because the next step, for C. P. F. F. contracts above \$5,000,000 was for the Under Secretary's office.

It is pertinent to point out as brought out in Colonel Wyman's testimony, that priorities ascribed to Hawaiian Constructors during 1941 were the same as those on the continent in spite of the isolated position of Hawaii.

[3848] That was brought out in earlier testimony.

Constant efforts were made by all echelons of command to secure higher priorities.

From the foregoing it is seen that the responsibility for many of the procedures which might have been said to be time-consuming because of the limitations of authority was not that of any individual but lay collective in existing laws, regulations of the War Department and of the Engineer Department, which laws and regulations had many sound reasons for existence, and that those responsible for such laws and regulations recognized the need for their alterations and took steps to that end in order to meet the increased speed of pre-war conditions even though there was no certainty of war.

(The following was added in writing to his statement by General Bragdon after completing his oral testimony:)

Further, that in any particular real emergency all regulations could be cut across and devices such as letter contracts utilized to get immediate action.

[3849] (Circular letter dated December 9, 1940, from Office of Chief of Engineers, Washington, D. C., in re procurement and contracts for national defense purposes, was marked Exhibit No. 55 and received in evidence.)

General BRAGDON. Then, I would like to add to that that, in spite of any regulations whatsoever, when real emergencies came up, the Engineer Department cut right across—and the Secretary of War approved it—cut right across those regulations, and would execute contracts almost instantly. Just recently I had to execute a contract which was of high importance and secrecy, and we had the prime contractor's assent. That was on Saturday I learned about it, that Saturday, and a heavy equipment contractor and a constructing con-

tractor signed up the next day, on a Sunday, on a joint-venture subcontract to the prime contract.

In other words, in spite of any regulations, when any specific point comes up everybody in all the echelons goes to the telephone—the District, the Division, and the Chief's office, and if necessary the Under Secretary office—and they would do it in a matter of hours. This complete delegation that I have described—I know if Pearl Harbor—if it had been known that Pearl Harbor was coming, it would probably have been made months before, at such date that they did know that that might come.

One other point that is not covered in my statement is the matter of letter contracts. We also had the device of a letter contract where it was contemplated that a negotiated contract—well, first I would like to say, it should be borne in mind that these negotiated contracts and CPFF contracts—one of their [3850] prime essentials is the speed. You don't know the plans and specifications, so—but you do have an estimate. But you can get the work under way and submit your—work out your plans and specifications later.

Now, even if you expect some delay in the negotiation of a CPFF contract, you can initiate a letter contract. A letter contract is simply a very brief letter to the contractor that work of such and such a magnitude is expected and that a definitive contract will be entered into within a certain length of time, maybe two or three weeks, and he signs on that his acceptance. That letter contract was used quite frequently—I used one just the other day—to start work immediately. At that, it gives a legal basis for the contractor starting instantly, and allows money to begin to flow.

I didn't—I don't know as the Board has specifically asked anything about fees. I noted—I believe they did—I would like to state that we had a tabulation which is the same as a curve of what fees would be allowed, which we always followed religiously. We never paid more than the fees allowed by that curve; that the percentages allowed for fees, fixed fees, would naturally decrease as the magnitude of the work, of the job, got greater; and then we had a regular scheme of deductions from such fees. That is, if the United States was going to finance the job, we would cut down the percentage. If they were going to do a lot of subcontracting, we would cut down the percentage by another percent. If we were going to supply equipment, we would cut down those fees. In most cases—well, practically all cases, they strove for an even less percentage [3851] in the individual cases at hand than the one allowed in the Under Secretary's curve.

That is all I have, sir.

28. General GRUNERT. Are there any questions?

29. General FRANK. None.

30. Major CLAUSEN. I have a question.

General, I refer to your answer the other day to Colonel West. The question was:

Suppose, General, in the course of your research for certain documents or data which this Board desired, you should run across some information which might be inimical to the interests of Colonel Wyman: what would you do in a case of that sort?

General BRAGDON. I would give it to the Board.

My question is, What have you run across which might be inimical to the interests of Colonel Wyman?

General BRAGDON. I do not recall anything.

31. Major CLAUSEN. You haven't found anything?

General BRAGDON. No, sir.

32. Major CLAUSEN. I think that is all.

33. General GRUNERT. Any question? Colonel Toulmin?

34. Colonel TOULMIN. Nothing. Thank you, sir.

35. General FRANK. Have you anything else to submit at this time?

General BRAGDON. No, sir. Oh, excuse me.

Yes, sir. I would like to submit an affidavit by Colonel Theodore Wyman, supplementing his earlier—his original statement and testimony before the Board.

36. General RUSSELL. Might I see that?

(Affidavit and the exhibits of Colonel Theodore Wyman, Jr., supplementing testimony before the Army Pearl Harbor Board, were marked Exhibit No. 56 and received in evidence.)

[3852] (Affidavit of Colonel Wyman is as follows:)

AFFIDAVIT OF COLONEL THEODORE WYMAN, JR., SUPPLEMENTING TESTIMONY BEFORE
ARMY PEARL HARBOR BOARD

Colonel Theodore Wyman, Jr., a person subject to Military Law, appearing before me in person and being first duly sworn, deposes and says:

The following corrections should be made to the transcript of my testimony given before the Army Pearl Harbor Board on 14 September 1944:

Page 3375, line 8, the word "bridges" should be changed to "barges".

Page 3470, line 11, the phrase "not of serious occasions" should be changed to "not a series of occasions".

Page 3478, line 8, the word "light" should be deleted.

Page 3581, line 13, the name "Mr. Epson" should be changed to "Mr. Epps".

The answer recorded as given by me on page 3539, line 16, to the effect that I did not see Mr. Rohl at the Palace Hotel is erroneous, either because of a stenographical error or because of my misunderstanding of the question when asked. I did see Mr. Rohl at the Palace Hotel with Mr. Grafe, but did not discuss the questions of whether the contract would be enlarged in scope and amount.

In view of the Board's questions on my previous appearance covering the point of when I first knew [3853] that Mr. H. W. Rohl was not an American citizen, how I discovered this fact and what I did about it, I have reviewed the files on this point to refresh my recollection. My review of these files on this point reveals an inaccuracy in my statement made on page 3504 of the transcript and repeated on pages 3560, 3579, and 3580, to the effect that I "immediately" wrote the Chief of Engineers upon discovering that Mr. Rohl was not an American citizen. At the time I testified it was my recollection that I wrote the Chief of Engineers immediately, but a review of the file indicates that I did not write this letter until August 15, 1941. Consequently I would like my answers in this regard stricken from the record and for the following statement to constitute my testimony with regard to my discovery of the fact that Mr. Rohl was not an American citizen and the action taken by me after such discovery.

The first knowledge I had that Mr. H. W. Rohl was not an American citizen was gained through the following letter dated June 2, 1941 from Hawaiian Constructors to me as District Engineer, Honolulu, T. H.:

JUNE 2, 1941.

Contract No. W-414-eng-602.

The DISTRICT ENGINEER

U. S. Engineer Office,

Honolulu, T. H.

DEAR SIR: [3854] Referring to your letter of May 7th—my answer thereto is supplemented by the following information:

1. H. W. Rohl, who owns 25% of the stock of the Rohl-Connolly Company, a member of the joint venture known as Hawaiian Constructors, was born in Germany and is not a citizen of the United States.

2. Mr. Rohl has an application for United States citizenship pending before the Naturalization Department of the U. S. Government in Los Angeles.

3. Mr. Rohl desires and intends, if permitted, to aid the United States Government in every way possible in the defense program of the present National Emergency.

4. Mr. Rohl is not employed by the Hawaiian Constructors; he is not now, nor has he been since prior to the execution of the contract, an officer or director of the Rohl-Connolly Company.

5. Mr. Rohl does not have, nor has he ever had, access to the plans or specifications for the work under this contract, nor has he participated in the contract trials; in fact, he has purposely refused to do any of these things and intends to continue to refuse in the future until he either receives U. S. citizenship, or express permission is granted to him as provided for in the Act.

Very truly yours,

HAWAIIAN CONSTRUCTORS,
/s/ Paul Grafe.
PAUL GRAFE.

[3855] This letter was written by Mr. Paul Grafe for Hawaiian Constructors in reply to a letter that I had written to Hawaiian Constructors on May 7, 1941, which reads as follows:

MAY 7, 1941.
TWJr/mlm

HAWAIIAN CONSTRUCTORS,
*Pier 2-A, Foot of Channel Street,
Honolulu, T. H.*

GENTLEMEN: Reference is made to Cost-Plus-A-Fixed-Fee Contract Eng. 602 of your company.

Your attention is invited to the following information relative to the employment of aliens on National Defense Contracts.

"1. The employment of aliens by contractors on national defense contracts is not prohibited but is restricted as stated by War Department Circular No. 121, 1940, as follows:

Protection of classified plans and specifications

a. No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained, and any person who wilfully violates or through negligence permits the violation of the provisions of this subsection shall be fined not more than \$10,000 or imprisoned not more [3856] than five years, or both.

b. Any alien who obtains employment on secret, confidential, or restricted Government contracts by wilful misrepresentation of his alien status, or who makes such wilful misrepresentation while seeking such employment, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

c. For the purpose of this section, the term *person* shall be construed to include an individual, partnership, association, corporation, or other business enterprise.

"2. Should it become desirable, for any reason, that aliens be employed by contractors on contracts affected by the foregoing restriction, application should be made through this office, requesting the written permission of the Secretary of War for such employment and stating fully the reasons therefor.

"By order of the Chief of Engineers:"

Information is requested as to whether or not any aliens are employed by your company who would come under the meaning of Section II, act June 28, 1940.

Very truly yours,

THEODORE WYMAN, JR.,
Lt. Col., Corps of Engineers,
District Engineer.

[3857] Prior to receiving Mr. Grafe's answer of June 2, 1941, I had already received an answer from Hawaiian Constructors, dated May 14, 1941, which reads as follows:

MAY 14, 1941.

Subject: Cost-Plus-A-Fixed-Fee Contract Eng.-602.

The DISTRICT ENGINEER,

U. S. Engineer Office,

Honolulu, T. H.

DEAR SIR: Reference is made to your letter of May 7, 1941 relating to employment of aliens by contractor on National Defense Contracts. We wish to report that to our knowledge we have no aliens employed by our company who would come under the meaning of Section II, act of June 28, 1940.

We require each man to sign an application for employment on which he states whether or not he is a citizen of the United States. If he is not a citizen we do not hire him, except that some Filipinos are hired in accordance with District Circular #4 of March 22, 1941.

Yours very truly,

HAWAIIAN CONSTRUCTORS,

/s/ R. A. Schwieger.

R. A. SCHWIEGER.

The occasion for my writing my letter of May 7, 1941 to Hawaiian Constructors was the receipt by me on May 6, 1941 of the following Circular Letter, dated April 21, 1941, from the office of the Chief of Engineers:

[3858]

WAR DEPARTMENT,

OFFICE OF THE CHIEF OF ENGINEERS,

Washington, D. C., April 21, 1941.

3820 (National Defense).

Re O. & R. Chapter VII.

Circular Letter

Finance No. 104.

Contracts No. 35.

Subject: Employment of Aliens on National Defense Contracts.

To: All Division and District Engineers.

1. The employment of aliens by contractors on national defense contracts is not prohibited but is restricted as stated by War Department Circular No. 121, 1940, as follows:

"Protection of classified plans and specifications"

a. No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained, and any person who wilfully violates or through negligence permits the violation of the provisions of this subsection shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

b. Any alien who obtained employment on [3859] secret, confidential, or restricted Government contracts by wilful misrepresentation of his alien status, or who makes such wilful misrepresentation while seeking such employment, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

c. For the purpose of this section the term *person* shall be construed to include an individual, partnership, association, corporation, or other business enterprise. Sec. II, act June 28, 1940 (Bull. 15, W.D., 1940)."

2. Should it become desirable, for any reason, that aliens be employed by contractors on contracts affected by the foregoing restriction, application should be made through this office, requesting the written permission of the Secretary of War for such employment and stating fully the reasons therefor.

By order of the Chief of Engineers:

E. E. GESLER,

Lt. Col., Corps of Engineers.

Chief, Finance Section.

41/774.

It should be noted that Mr. Grafe advised in his letter of June 2, 1941 that Mr. Rohl was not employed by the Hawaiian Constructors; that he was not at that time, nor had been since prior to the execution of the contract, an officer or director of Rohl-Connolly Company. I knew, of course, that Mr. Rohl had not taken any active part in the supervision or management [3860] of the

work under Contract No. 602. Therefore, the fact that he was not an American citizen was not important in connection with the administration of Contract No. 602.

Later, as the work on Contract No. 602 expanded, it was felt desirable by Hawaiian Constructors and by me that his services be utilized in connection with this work. On August 15, 1941, I received the following letter from Mr. Grafe of Hawaiian Constructors:

AUGUST 15, 1941.

Re Progress of National Defense Program Contract No. W-414-Eng-602.

The DISTRICT ENGINEER,
U.S. Engineer Office,
Honolulu, T. H.

DEAR SIR: Mr. H. W. Rohl of 8519 Hollywood Boulevard, Los Angeles, California, applied in the U. S. District Court in Los Angeles on January 15, 1941, for his final citizenship papers, which have not yet been issued to him.

Mr. Rohl is one of the principal stockholders of the firm of Rohl-Connolly Company, members of the joint venture known as the Hawaiian Constructors, the contractors on Contract No. W-414-Eng-602.

Mr. Rohl is a man of outstanding ability, with good judgment, resourcefulness, and experience on construction work.

Mr. Rohl's services as an executive on work to be performed under subject contract are urgently needed to expedite the National Defense Program at [3861] this time, due to the large amount of work to be done, and the scarcity of supervisory personnel and efficient labor. Mr. Rohl has not taken any part in the performance of the work under subject contract, although anxious to do so, because, since he is not a naturalized citizen, he did not think it good policy to become associated with restricted and secret work.

It is requested that you ask the Department of Justice to give early attention to Mr. Rohl's application for citizenship, so that his valuable services will be available for this work, thus accelerating the progress of this part of the National Defense Program.

Very truly yours,

HAWAIIAN CONSTRUCTORS,
/S/ Paul Grafe.
PAUL GRAFE.

On the same date, I wrote the following memorandum to the Chief of Engineers, through the Division Engineer, advising that Mr. Rohl's services would prove invaluable in prosecuting the work at hand under Contract No. 602, and requesting that the Attorney General's attention be invited to the facts with the request that action on Mr. Rohl's application for final citizenship papers be expedited.

[3862]

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Honolulu, T. H., August 15, 1941.

Via Clipper.

ND 600.114-602.

ND 230.

Request for Final Citizenship Papers of Mr. H. W. Rohl of Rohl-Connolly Company, San Francisco and Los Angeles, California.

The CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C.

(Thru: The Division Engineer, South Pacific Division.)

1. Mr. Paul Grafe, Attorney-in-fact for the Hawaiian Constructors, a joint venture consisting of the W. E. Callahan Construction Company, Los Angeles, California; Rohl-Connolly Company, San Francisco and Los Angeles, California; Gunther and Shirley Company, Los Angeles, California; and Mr. Ralph E. Woolley, contractor of Honolulu, prosecuting Cost-Plus-A-Fixed-Fee Contract No. W-414-Eng-602, has requested the District Engineer to bring to the attention of the Engineer Department the status of Mr. H. W. Rohl, 8519 Hollywood Boulevard, Los Angeles, California, one of the principal stockholders of the firm of Rohl-Connolly Company. Mr. H. W. Rohl has applied to the U. S. District Court at Los Angeles, California, on January 15, 1941, for his final citizenship papers which, it appears, have not been issued to date.

2. Mr. H. W. Rohl is a very skillful construction supervisor. He has personally [3863] supervised several large construction jobs for the Engi-

neer Department under various contracts, also, other agencies of the United States. Some of the outstanding work performed by Mr. Rohl was the construction of the Los Angeles-Long Beach Detached Breakwater, the construction of the Headgate Dam and other heavy construction in the State of California. Mr. Rohl is a man of outstanding ability, and of excellent judgment and resourcefulness for the management of difficult construction work.

3. Due to the fact that part of the work being performed under Contract No. W-414-Eng-602 is of a restricted nature, and because of his alien status, Mr. Rohl has been reluctant to take any active part in the supervision or management of the work under Contract No. W-414-Eng-602; therefore, his valuable services have been lost.

4. While District Engineer at Los Angeles, California, the writer had frequent contacts with Mr. Rohl in connection with the Los Angeles-Long Beach Detached Breakwater construction and the dredging of the Los Angeles Harbor. It is the writer's opinion that Mr. Rohl's loyalty to the United States is beyond question.

5. In view of the scarcity of qualified supervisory personnel for construction work in the Hawaiian Islands, it is the District Engineer's opinion that Mr. Rohl's services would prove invaluable in prosecuting the work at hand under [3864] the above cited contract; therefore, it is recommended that the Attorney General's attention be invited to the case with a request that action on his application for final citizenship papers be expedited.

THEODORE WYMAN, Jr.,
Lt. Col., Corps of Engineers,
District Engineer.

Inclosure:
Ltr 8/15/41 fr
Hawn Constrs."

My recommendation in this memorandum was concurred in by the office of the Division Engineer at San Francisco through the following 1st indorsement:

Subject: Request for Final Citizenship papers of Mr. H. W. Rohl of Rohl-Connolly Company, San Francisco and Los Angeles, California.

Forts 665 (Hon) 15 1st Ind.

OFFICE, DIVISION ENGINEER, SO. PAC. DIV.,
San Francisco, August 19, 1941.

To: The Chief of Engineers, U. S. Army, Washington, D. C.:

Concurring in the views and recommendations of the District Engineer.

For and in the absence of the Division Engineer:

F. C. SCHEFFAUER,
Head Engineer.

Incl: n/c.

In response to this recommendation, I am advised that the office of the Chief of Engineers wrote the following letter to the office of the Attorney General on this matter:

[3865]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 28, 1941.

LEMUEL B. SCHOFIELD,

Special Assistant, Bureau of Immigration and Naturalization,
Office of the Attorney General, Department of Justice,
Washington, D. C.

DEAR MR. SCHOFIELD: The Hawaiian Constructors, a joint venture consisting of the W. E. Callahan Construction Co., Los Angeles, Calif.; Rohl-Connolly Co., San Francisco and Los Angeles, Calif.; Gunther & Shirley Co., Los Angeles, Calif.; and Ralph E. Woolley, contractor of Honolulu, T. H., are working on very important defense construction at Honolulu, T. H., pursuant to Engineer Corps Contract No. W-414-eng-602.

Mr. H. W. Rohl, 8519 Hollywood Boulevard, Los Angeles, Calif., one of the principal stockholders of the Rohl-Connolly Co., applied to the United States district court at Los Angeles, Calif., on January 15, 1941, for his final citizenship papers which have not, as yet, been issued. Mr. Rohl is possessed of outstanding ability, excellent judgment, and resourcefulness for the management

of difficult construction work. Some of the outstanding work performed by Mr. Rohl was the construction of the Los Angeles-Long Beach detached breakwater, the construction of the Headgate Dam at Parker, Ariz., for the Indian Service, and miscellaneous dams, tunnels, and other heavy construction in the State of California. To date, Mr. Rohl's valuable services have not been available for Government [3866] defense projects because of his alien status.

The services of Mr. Rohl are of vital importance to the expeditious completion of the afore-mentioned defense construction project because of his peculiar qualifications and scarcity of qualified supervisory personnel. It is the understanding of this office that Mr. Rohl's loyalty to the United States is beyond question. It is therefore requested that the granting of Mr. Rohl's final citizenship papers be expedited.

Your consideration and cooperation will be very much appreciated.

Very respectfully,

JOHN J. KINGMAN,
Brigadier General,
Acting Chief of Engineers.

I was requested by the Board to determine the date on which Hawaiian Constructors actually initiated construction work under Contract No. 602. The file reveals that this date was February 5, 1941. This is shown in the attached exhibit marked Wyman Affidavit, Exhibit "J".

The Board requested that I determine who had final authority to approve drawings, plans and specifications. My research on this point reveals the following:

1. Plans prepared by the District Engineer were first submitted to the Commanding General, Hawaiian Department, for approval. Upon receipt of approval the plans, including design calculations and specifications, were transmitted to the Division Engineer in [3867] San Francisco for his approval.

2. For AWS projects certain items of equipment, such as towers, transmitter building, and power plant, were furnished by the using agency. Designs had to be held in abeyance until receipt of drawings from the using agency.

I have searched the files in the Office of the District Engineer in order to determine whether any written answer was received to my letter of January 22, 1941, written to Mr. Rohl requesting him to come to Hawaii in connection with the handling of Contract No. 602. I can find no answer. At the time I wrote this letter I did not realize that Mr. Rohl was not employed by Hawaiian Constructors, nor that he was not at that time nor had been since prior to the execution of the contract, an officer or director of the Rohl-Connolly Company. I was first advised of this situation in the above quoted letter of June 2, 1941 from Mr. Grafe. I did not follow up the request in my letter of January 22, 1941 because the Hawaiian Constructors shortly thereafter took steps to eliminate the difficulties that were being experienced in initiating work under Contract No. 602, the existence of which difficulties were the cause of my writing this letter.

The Board inquired as to who was immediately responsible for the quality and progress of work under Contract No. 602. My answer in this regard was not as complete as it should have been. This [3868] responsibility runs through the entire chain of engineering command. It begins with the selection of the contractor. Contractors are first chosen according to experience records as well as the knowledge of them possessed by contracting officer. The latter assures himself that the contractor can perform the work, both as to quality and time requirements, because he possesses finances, management, experience, plant, and personnel. A good contractor realizes his responsibility for progress and pushes the job.

The officer in immediate contact with the work is the Area Engineer. It is the Area Engineer who has the initial responsibility of checking progress and quality of work. An Area Engineer who has more than job Engineer who is a resident on the job. The Area Engineer and the Job Engineer are assisted by Inspectors who are chosen because of training and ability.

Field Areas submit *semi-monthly* reports of progress of all items of work to the District Engineer. These reports showed the estimated percentage of work completed as originally scheduled or planned, and the *actual* percent of completion attained, with explanations of reasons for delay or of difficulties.

I offer in evidence as Exhibit "K" a sample of the monthly report for a semi-monthly period for the construction program at a station. As part of it is shown the bar diagram of progress of individual [3869] features. These reports were prescribed by instructions contained in Orders and Regulations, Corps of Engineers, paragraphs 236 and 243, supplemented by instructions contained in

Finance Circular Letter No. 225, paragraph 21, December 9, 1940 and Circular Letter, July 24, 1941, Office of the Chief of Engineers.

Area Engineers are in constant contact with the District Office to report difficulties and seek assistance.

District Engineers carefully choose Area Engineers from men whom they know are able and vigorous operators. All District Offices have operations and/or inspection divisions whose tasks are to keep constantly in touch with the work and to inspect it both for progress and quality. Under pressure of war work most districts also had additional transportation divisions, control divisions for coordination, and expediting sections. The Honolulu District had a transportation division and a special coordinator in charge of inspection.

The next higher echelon is the Division Engineer. The Division Engineers normally receive monthly reports of operations which tell what was accomplished during the month on all projects in all districts. During the war period semi-monthly reports were prescribed. (Insert here date when semi-monthly progress reports were initiated.) These reports show breakdowns for every major job into its important features. Reports show the scheduled percent of completion and the actual, [3870] with explanations and reasons for delays and difficulties. It also shows the progress expected in the next semi-monthly period. Division Engineers habitually visit all projects under them or have some of their assistants do so to the extent that the magnitude of their work permits. During the war period Division Engineers generally have so great a number of projects that they must select those projects with the highest priority or those which were suffering the most difficulties to personally inspect, leaving the others to their assistants.

The next echelon of command is the Chief of Engineers. The semi-monthly progress reports described above are transmitted to the Chief of Engineers. There the Control Section examines them minutely to determine which projects are falling behind. Those projects of chief importance which are falling behind would generally be visited at once by a special inspector. For practically every project having fallen more than 2% behind, a special letter of explanation was required. Many times these were required by radio or telephone.

At a previous hearing I was asked, who was responsible for the "tedious process" in effect with respect to putting construction projects underway during the period from the receipt of approval of the Hawaiian Constructors contract, January 6, 1941 to December 7, 1941.

These time-consuming processes were those [3871] required by law, regulations, or long established procedures. The general purposes of these laws, regulations, and long established procedures is to secure control by higher echelon and to protect the Government in expenditures as well as to insure quality of work.

The change from peacetime methods of procedure to wartime was generally accomplished by decentralization of contractual authorities to lower echelons and a relaxation of the extent of review by higher echelons. However, some changes had to be made in laws of long standing.

The procedures might be divided into general types, namely; securing technical approval through Engineer channels; and securing approvals by tactical agencies or the using services, responsible for operating, and also securing the coordination required between all responsible agencies.

In order to understand the limitations on the authority of the District Engineer and all the steps that had to be taken by him in cooperation and coordination with other agencies, it is of the utmost importance that the Board keep in mind that at the time of the negotiation of the Hawaiian Constructors' contract, it was about a year before Pearl Harbor. The great sense of urgency was not yet present, although changes from peacetime procedure were being gradually introduced. In order to make this clear I shall discuss the law, regulations, and [3872] procedures as they existed under the following general heads:

- a. Method of contracting.
- b. Procedures for technical approvals.
- c. Limitations on money magnitude for a and b.

Under each of these headings I shall compare the situation during:

- (1) Peacetime procedures which were in effect through most of 1940, and up to just before the date of approval of the Hawaiian Constructors' contract, January 3, 1941.
- (2) Transitional period beginning in 1940 and during the period of the Hawaiian Constructors' contract up to 7 December 1941.
- (3) Immediately after Pearl Harbor and during the war period.

I submit in evidence as Wyman Affidavit, Exhibits "A", "B", "C", and "D", tabulations of the contracting authorities for advertised, negotiated lump sum, and negotiated CPFF contracts prescribed for the District Engineer, Division Engineer, and the Office, Chief of Engineers, as these authorities varied in peacetime of 1940, in later 1940, and at the time of negotiating the Hawaiian Constructors contract in December 1940, just after that date and during 1941, and just after Pearl Harbor. These tabulations were extracted from existing orders and regulations. Some orders and regulations were missing from the files of the District Engineer but any inaccuracies will not [3873] affect the conclusions from statements made. If any great inaccuracies are found corrections will be submitted after records in Washington have been examined.

The following points are stressed:

a. The low magnitude of the peacetime contractual authorities of the District Engineer and of the Division Engineer, namely \$10,000.00 for the District and \$50,000.00 for the Division.

b. The low limitation for the District Engineer continued up to February 19, 1941. As far as the approval of specifications was concerned this meant that most plans and specifications had to be submitted to the Division Engineer on the mainland.

c. Under the pressure of preparation for war there was a progressive decentralization of authority as shown by the increased limits of authorities of the District and Divisions on the dates May 1, 1940, December 9, 1940, and February 19, 1941. This decentralization thus began 19 months before Pearl Harbor.

d. That negotiated contracts were not permitted before the latter part of 1940; that up to the war period the authority to negotiate had to first be secured from the Under Secretary of War.

e. That decentralization was progressive from 19 months before up to the date of Pearl Harbor. In no respect was it comparable to the great decentralization that came after Pearl Harbor. For [3874] example District Engineers during 1941 could approve lump sum advertised contracts up to \$100,000.00. Later in the war period their authority was increased to \$3,000,000.00.

f. Attention is invited to Note 2 in the District Engineers' Contractual Authority which states that decentralization up to \$3,000,000.00 went even below District Engineers to Area Engineers.

g. Exhibit "D" shows the relative authorities for the execution of change orders after contracts were once negotiated. It shows similar trends to those described above. Decentralization of authorities was begun before Pearl Harbor and immediately after almost completely decentralized for the war period. In the special case of the District Engineer in Honolulu, four days *after* the attack at Pearl Harbor, the Division Engineer delegated to the District Engineer all of his contractual authority. This enabled the District Engineer to take action on contract instruments up to \$5,000,000.00.

It will be seen from the above that the District Engineer in Honolulu during the period of 1941, which is the period under investigation, had many limitations under the law and under regulations of the War Department which required submission of specifications, awards, and contracts to higher authority. At the same time the War Department and the Engineer Department had started decentralizing to meet the increasing tempo pressure of war work. As noted in my earlier statement priorities [3875] ascribed to Hawaiian contracts were the same as those on the continent in spite of its isolated position.

It should be added that all job orders had to be submitted by the District Engineer, Honolulu, to the Division Engineer for approval. With reference to the use of negotiated contracts, either lump sum or cost-plus-a-fixed fee, revised statutes which had been most rigid on requiring advertising for competitive bids of contracts for public works had to be modified to permit execution of construction *without advertising* and to permit of the use of the cost-plus-a-fixed-fee form of contracts. The Act which afforded this relaxation was Public No. 703, 76th Congress, approved July 2, 1940. This information was published to the field in a Circular Letter from the Chief of Engineers, December 9, 1940, and at first the negotiated contract was merely recommended in cases where competitive bidding would not fulfill the needs of National Defense. It will be noted that in the tabulation the field offices had their choice of advertised contracts and negotiated contracts; that later in the war period advertised contracts were prohibited and only the negotiated ones allowed.

From the foregoing it will be seen that the responsibility for many of the procedures which might have been said to have delayed work because of limita-

tions of authority was not that of any individual but lay collectively in existing laws, regulations of the War Department, and of the [3876] Engineer Department which laws and regulations had many fundamental sound reasons for existence, and that those responsible for such laws and regulations recognized the need for their alteration in and took proper steps to that end to meet the increased speed of pre-war conditions even though there was no certainty of war.

As stated above some of the time-consuming procedures were those necessary for coordination with the Commanding General, Hawaiian Department, and the Using Services. In my original statement I submitted one example of the procedure involved in this coordination as Exhibit "N." I desire to submit a few additional examples marked Wyman Affidavit Exhibits "E," "F," "G," and "H." It will be noted that the time interval to cover the interchange of indorsements in these coordinating staff memoranda ran up in one instance of the four examples to nine weeks. These are merely additional examples selected at random. As noted in my original statement there are hundreds of examples of such coordinating memoranda in the District Engineer files.

Through oversight one page of the schedule attached to Exhibit E, which was the study on priorities introduced by me in evidence during my testimony was not included in the exhibit. I submit this missing page in evidence as Wyman Affidavit Exhibit "I."

[3877] In connection with my statements on page 28 of my original statement read before the Board on September 14, I submitted several exhibits illustrating efforts on my part toward expediting the work under the Hawaiian Constructors' contract. I would like to submit in evidence, another exhibit bearing on this point since it is quite pertinent thereto. I am therefore submitting exhibit designed Wyman Affidavit Exhibit "L", which is a letter to all contractors engaged on defense projects within the Honolulu District emphasizing how imperative the expedition of this work was and urging anticipation of their material and equipment requirements.

I desire to submit a reply to the "Testimony of Mr. Robert Hoffman, Area Superintendent, Hawaiian Constructors, Bellows Field, T. H., taken at Hickam Field on 21 April 1942, by Colonel Lathe B. Row, Inspector General's Department." This report was answered completely and adequately in letter of May 9, 1942 addressed to the Commanding General, Hawaiian Department, and signed by Colonel A. K. B. Lyman, Department Engineer. The latter became my successor, inasmuch as the Hawaiian Department absorbed the District Engineer's activities in February of 1942. I submit in evidence this letter in refutation of the charges made by Mr. Hoffman in said Inspector General's Report as an exhibit marked Wyman Affidavit Exhibit "M".

/s/ Theodore Wyman, Jr.,
THEODORE WYMAN, JR.,
Colonel, CE.

Signed and sworn to before me, the undersigned authorized to administer this oath by the 114th Article of War, on the 16th day of September, 1944.

/s/ Lue C. Lozier,
LUE C. LOZIER,

Major, Commissioned in the Judge Advocate's Department,
Army of the United States.

37. General RUSSELL. General, in a very hasty way I have reviewed or I have read the first five pages of the affidavit being submitted at this time by Colonel Theodore Wyman, Jr., supplementing the testimony before the Army Pearl Harbor Board. Those five pages deal with the subject of the alien status of one Mr. Rohl.

General BRAGDON. Yes.

38. General RUSSELL. It purports to correct some statements made by Colonel Wyman on the occasion of his appearance before the Board last week. The first material document is a letter of June 2, 1941, and is a statement alleged to have been made by Mr. Paul Grafe, representing the Hawaiian Constructors, as to the alien status of Mr. Rohl and his relation to the basic contract under which the work was being done here in the Territory of Hawaii.

My first question is this: Did you see the original of that letter in the files of the District Engineer here since you have come to the Island lately?

General BRAGDON. I am not sure, sir. I believe that Major Powell did.

[3879] 39. General RUSSELL. Yes.

General BRAGDON. He helped in the search of the files on this particular point.

40. General RUSSELL. All right. Now, the second question: Could that original letter be turned over to you by the office of the District Engineer and presented to us for inspection upon our return to Washington?

General BRAGDON. If it is present, yes, sir, I could have them do that.

41. General RUSSELL. All right. Would you make a note of that?

Now, there is another letter, of May 7, 1941, from Theodore Wyman, Jr., to the Hawaiian Constructors. Apparently that would be a copy of Colonel Wyman's letter. I wonder if we could have the file copy of that letter made available to us.

General BRAGDON. Which one was that, General?

42. General RUSSELL. It is the letter of May 7, 1941.

General BRAGDON. You would like the file copy of that?

43. General RUSSELL. If we could have it, please. And the same thing relates to the letter of the Hawaiian Constructors which would be an original which is dated May 14, 1941, and appears on page 5 of Colonel Wyman's supplementary affidavit.

Now, this further question, General: Colonel Wyman, in his supplementary affidavit now being submitted, states:

In view of the Board's questions on my previous appearance covering the point of when I first knew that Mr. H. W. Rohl was not an American citizen, how I discovered this fact and what I did about it, I [3880] have reviewed the files on this point to refresh my recollection. My review of these files on this point reveals an inaccuracy in my statements made on page 3504 of the transcript and repeated on pages 3560, 3579, and 3580, to the effect that I "immediately" wrote the Chief of Engineers upon discovering that Mr. Rohl was not an American citizen. At the time I testified it was my recollection that I wrote the Chief of Engineers immediately, but a review of the file indicates that I did not write this letter until August 15, 1941.

Now, the question is: Does a copy of this letter of August 15, 1941, which Colonel Wyman states that he wrote to the Chief of Engineers, appear in this supplementary affidavit of Colonel Wyman, or is it attached thereto as an exhibit?

I ask that question because I fail to find, in my hasty consideration of this supplementary affidavit, any copy of that letter.

General BRAGDON. I thought that letter was quoted here. Here is on page 9.

44. General RUSSELL. Well, I quit at page 5 because apparently we went into something else. Well, I then must amend the question to the effect that it is here and that I had finished my reading or I had stopped reading at page 5 because I thought that the circular letter, page 6, went into a new subject, and apparently it does not. Very well.

It does appear here, and I will ask you, then, this question: You know of no reason why the original of this [3881] letter of

August 15, 1941, which may be further identified as "ND 600,114-602, ND 230, Request for Final Citizenship Papers of Mr. H. W. Rohl of Rohl-Connolly Company, San Francisco and Los Angeles, California," should not be in the files of the Chief of Engineers in Washington?

General BRAGDON. I know of no reason why it shouldn't be, sir.

45. General RUSSELL. That is all.

46. General FRANK. In response to a request for some data on the situation with respect to the airfield at Mokuleia there was submitted a memorandum to the Pearl Harbor Board from the Office of the Engineer, Headquarters Central Pacific Base Command, 16 September 1944, which reads as follows:

(Memorandum from Office of the Engineer, Headquarters Central Pacific Base Command, dated September 16, 1944, is as follows:)

In accordance with your request the following data is submitted for your information and guidance regarding Mokuleia Airfield.

a. *Lease*.—A lease covering lands occupied by the Army at Mokuleia Airfield was submitted to Mr. Walter F. Dillingham, President, Mokuleia Ranch & Land Co., Ltd., in February 1944 for his signature. To date this lease has never been returned and condemnation proceedings have been initiated.

b. The amount spent to date for the construction of airfield facilities consisting of camps, buildings, water supply, sewage systems, electrical distribution systems, gasoline storage facilities, revetments and appurtenant structures is \$4,833,556.54.

[3882] c. The number, kind and estimated cost of revetments constructed at this airfield is as follows:

(1) Five (5) cut-type for B-17.....	\$80,000.00
(2) Two (2) double reinforced concrete for B-17.....	\$54,000.00
(3) Two (2) double Marston mat for B-17.....	\$40,000.00
(4) Six (6) earthfill for B-17.....	\$100,000.00
(5) Thirty-one (31) cut-type for P-40.....	\$132,000.00

Signed by "S. Perliter, Head Engineer, Chief, Design Division."

Can you tell me why almost \$5,000,000 should be expended on private property with no authority other than a verbal agreement?

General BRARDON. I don't know the circumstances surrounding the acquisition of that land. Of course, under the War Powers Act we can get almost any land by condemnation. We usually, in the Army, try to get it by negotiation. I'd have to look into all the circumstances surrounding that.

47. General FRANK. Does this sound regular to you?

General BRAGDON. Well, in the sense that we always try to get authority, either a right of entry or a complete negotiation for land, before we went on, it looks as though that—well, I hesitate to answer that, General, because I don't know exactly what the circumstances were. I don't know whether they had a right of entry from Mr. Dillingham. They may have had a right of entry from Mr. Dillingham.

48. General FRANK. Well, this is a memorandum from the Engineer's office.

General BRAGDON. I don't know the circumstances surrounding it. I can bring Mr. Perliter and those who— [3883] have him come over here right away, and those also who were responsible for the—for their land acquisition.

49. General FRANK. On the face of this does it look regular to you?

General BRAGDON. I wouldn't say that that was irregular. They may have had a right of entry.

50. General FRANK. Will you answer my question? Does it look regular to you?

General BRAGDON. Well, it doesn't look irregular, without knowing the circumstances.

51. General FRANK. Please answer my question. I didn't ask if it didn't look irregular. Does it look regular to you?

General BRAGDON. Well, General, I can't give an honest answer to it—

52. General FRANK. All right. That's all I want.

General BRAGDON. —without knowing the circumstances.

53. General FRANK. Then, another thing: Why, on an air strip with \$5,000,000 spent on it, should not the Government obtain ownership rather than lease?

General BRAGDON. That also would require study to see what the circumstances were behind it. I do know this: that the policy on land acquisition changed from time to time in the United States. It was brought out that great quantities of land were being acquired, and then for a while the policy has been that we should lease land and not acquire it in fee. Now, whether that had anything to do with this, I wouldn't venture to state.

54. General FRANK. In your capacity as being out here as a representative of the Chief of Engineers to furnish us [3884] information, will you give us a further memorandum explaining this situation?

General BRAGDON. Will it be all right to submit that in Washington?

55. General FRANK. Yes.

General BRAGDON. Yes, sir.

56. General FRANK. That is all.

57. General GRUNERT. Is there any other evidence that you have that you wish to offer?

General BRAGDON. No, sir.

58. General GRUNERT. Thank you very much for coming.

We shall take a recess.

General BRAGDON. May I ask something more, General?

59. General GRUNERT. Yes.

60. General FRANK. Is this on the record?

61. General GRUNERT. Yes.

General BRAGDON. In the record, yes, sir.

62. General GRUNERT. Yes, on the record. Go ahead.

General BRAGDON. If, upon presenting what has been submitted to the Board to my superiors in Washington, they feel that additional matter should be brought to the attention of the Board, that will be all right to submit it, I take it?

63. General GRUNERT. There will be a limited time that we have after we get back to Washington; and if you will communicate with the Record of the Board to find out what the limited time there is, up to what date we can receive evidence, we shall be glad to get any evidence that anyone has to offer, provided it is pertinent to the issue.

General BRAGDON. Thank you.

64. General GRUNERT. We shall take a recess now.

(There was a brief informal recess.)

[3885] **TESTIMONY OF COLONEL C. A. POWELL, SIGNAL OFFICER,
POA; FT. SHAFTER, T. H.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station.

Colonel POWELL. I am Col. C. A. Powell, Signal Officer, Pacific Ocean Areas; Fort Shafter.

2. General GRUNERT. Colonel, General Frank, assisted by Major Clausen, will develop this particular part of our investigation.

Colonel POWELL. Yes, sir.

3. General FRANK. Colonel Powell, on what duty were you, in the fall of 1941?

Colonel POWELL. In the fall of 1941, I was Signal Officer of the Hawaiian Department.

4. General FRANK. Were you in charge of the installation of the aircraft warning service?

Colonel POWELL. I was.

5. General FRANK. On December 7, what was the situation with respect to the installation of the information center?

Colonel POWELL. The installation of the information center was by means of a temporary structure which I had built with my own soldiers in what we now call the "Signal Corps Area." It was a temporary structure, and it was operative.

6. General FRANK. Had they had exercises prior to December 7?

Colonel POWELL. They had, sir.

7. General FRANK. And it had operated successfully?

Colonel POWELL. Yes, sir.

8. General FRANK. And what was the situation with respect to [3886] the permanent radar sets? Had they arrived in the island?

Colonel POWELL. They had, sir.

9. General FRANK. When had they arrived, please?

Colonel POWELL. Two radar SCR-271s—that is the temporary set—were received the 3d of June, and one SCR-271-A, which has the higher tower, was received also the 3d of June.

10. General FRANK. Were they complete?

Colonel POWELL. No, sir; they were not complete. I have a prepared memorandum here which I would like to introduce, which I think would give you a picture.

11. General FRANK. Will you state the date on which all equipment was here and complete so that they could be erected?

12. General RUSSELL. You mean these three?

13. General FRANK. Yes.

Colonel POWELL. I do not have that information available, when the things were received, except I consider that when you say "complete" that means everything, including the conduit and the fittings and everything else.

14. General FRANK. Well, so that they could operate; that is what I mean.

Colonel POWELL. Oh, I see. Well, to the best of my knowledge and belief, I think that they could have been operated in November of that year.

15. General FRANK. Was installation of the permanent sets held up?
Colonel POWELL. Yes, sir.

16. General FRANK. What were the reasons?

Colonel POWELL. The reasons were that the engineers were unable to complete the sites for these permanent installations.

[3887] 17. General FRANK. Why were they unable to complete the sites, do you know?

Colonel POWELL. I do not know, sir.

18. General FRANK. Who selected the sites?

Colonel POWELL. A board of officers. The original sites were selected by a board of officers formed of Colonel G. L. Van Deusen; Lt. Col. John H. Lindt, CAC, and Lt. Col. Wm. E. Lind, Air Corps, and Captain R. J. Fleming, Corps of Engineers.

19. General FRANK. How many sites were there?

Colonel POWELL. There were eight sites, in the first directive sent out by the War Department.

20. General FRANK. You had equipment for how many sites?

Colonel POWELL. We had equipment for permanent stations. Now, wait a minute—there were only three permanent stations, General Frank.

21. General FRANK. But I am still talking about just the permanent sites.

Colonel POWELL. All right. There were only three permanent sites left.

22. General FRANK. Where were they? Do you not know from memory?

Colonel POWELL. Yes, sir. One was Kokee, one was Mt. Kaala, and the other was Haleakala.

23. General FRANK. Kokee is on Kauai?

Colonel POWELL. Kokee is on Kauai.

24. General FRANK. Haleakala is on Maui?

Colonel POWELL. Maui; and Mt. Kaala is on Oahu. Haleakala is on Maui.

25. General FRANK. When the equipment was finally placed on [3888] top of Kaala, was it satisfactory? Did it operate satisfactorily?

Colonel POWELL. The site was never completely installed at Mr. Kaala, due to the fact that it took them so long to get the cableway up that we never completely installed the station on M. Kaala. We abandoned it before we got it completely installed.

26. General FRANK. Why did you abandon it?

Colonel POWELL. Because we found that the station at Kaala, the height was too high, and so the board from Washington came out and told us that the site at Kaala would not be satisfactory, and so we abandoned it.

27. General FRANK. Did you ever put any equipment up there, actually to test it?

Colonel POWELL. No, sir.

28. General FRANK. So the fact that it was unsatisfactory is a theory rather than a fact, is it not?

Colonel POWELL. Yes, sir.

29. General FRANK. Did you ever put any equipment on top of Haleakala?

Colonel POWELL. Yes, sir; we had it completely installed and operated there for some time.

30. General FRANK. Was it satisfactory?

Colonel POWELL. It was never satisfactory for close-in detection.

31. General FRANK. How was it for distant detection?

Colonel POWELL. It would get out about 200 miles, but there was a dead space from about 30 miles out from the base.

32. General FRANK. There was a dead space from 30 miles out, on into the base?

[3889] Colonel POWELL. No—from the base out—out 30 miles, there was a dead space, there.

33. General FRANK. Oh, from 30 miles from the station, on out, it was a lot more satisfactory than inshore?

Colonel POWELL. Yes, sir; because we had to identify that.

34. General FRANK. Because it was close to the shore level?

Colonel POWELL. Yes, sir.

35. General FRANK. Now, you did put one on top of Kokee?

Colonel POWELL. Yes, sir.

36. General FRANK. How did that operate?

Colonel POWELL. Very satisfactory.

37. General FRANK. That has altitude?

Colonel POWELL. I think it only has an altitude of around about 2,000 feet, as I recall, General.

38. General FRANK. How far out does that detect?

Colonel POWELL. It goes out to about 170 miles.

39. General FRANK. So there is an advantage for distant detection of having them on the higher altitudes?

Colonel POWELL. That is very true; but at the same time, you introduce that space which you cannot get out from your base out to a certain distance, because the beam doesn't go down and cover that in.

40. General FRANK. And cannot that be covered by auxiliary radar?

Colonel POWELL. It can now, but because we have the new radars to do it, but at that time we didn't have the new radars to do it.

41. General FRANK. Is there any plan of putting radar now on [3890] top of Kaala?

Colonel POWELL. No, sir.

42. General FRANK. Nor on top of Haleakala?

Colonel POWELL. No, sir.

43. General FRANK. The present radar picks up only to a distance of about 130 miles, does it not?

Colonel POWELL. Out on Maui, I think it goes out about to 130, to 150 miles, according to the atmospheric conditions.

44. General FRANK. Well, is there not a decided advantage to the air forces on the island to know it 50 miles sooner?

Colonel POWELL. Well, I should think it would be.

45. General FRANK. Well, why are not some steps taken then to get some permanent sets up at these higher altitudes?

Colonel POWELL. Well, the Defense Board from Washington came out here and definitely stated that that is what would be done, so we have conformed to the Air Defense Board report.

46. General FRANK. Let us get down to the facts rather than getting into the theory. You have stated that from those altitudes they can pick up from 170 to 200 miles?

Colonel POWELL. Yes, sir.

47. General FRANK. You have also stated that it does not cover the distance from the shore line out to about 30 miles?

Colonel POWELL. That is right, sir.

48. General FRANK. But there are other auxiliary sets down on the shore line that can pick up, out to the 30 miles?

Colonel POWELL. Yes, sir.

49. General FRANK. Therefore, there is a distinct advantage in having both the long-distance and the short-distance detection?

[3891] Colonel POWELL. Yes, sir; but this short-distance set has only come out a very few months ago, I would say. We haven't had a good set that could get in on that shore line and accomplish that mission.

50. General FRANK. Now, is there any plan for placing these long-range sets on the high elevations?

Colonel POWELL. No plan at the present time, sir.

51. General FRANK. It is not being considered?

Colonel POWELL. No, sir; because the category of defense on these islands is changed.

52. General FRANK. Is it now possible for the enemy to send a surprise raid, in here, flying about ten feet above the water, immune from radar detection until it reaches a distance of about 20 or 30 miles out?

Colonel POWELL. I would say it is not possible for any enemy to come in and attack these islands from a distance at which the curvature of the earth, which is about 25 miles—we will pick them up.

53. General FRANK. How far out?

Colonel POWELL. About 25 miles, coming on, about 10 to 15 feet above the water.

54. General FRANK. But they can get in to within 25 miles, without detection?

Colonel POWELL. Yes, sir.

55. General FRANK. Right now?

Colonel POWELL. Yes, sir; because they are below the curvature of the earth.

56. General FRANK. And what about the stations at the altitude?

Colonel POWELL. Well, that would increase the distance [3892] away which they couldn't get in, due to the curvature of the earth.

57. General FRANK. All right. Was there any delay in furnishing the Corps of Engineers with drawings for the preparation of these sites—any delay on the part of the Signal Corps?

Colonel POWELL. Not by my office.

58. General FRANK. Well, was there any?

Colonel POWELL. No, sir.

59. General FRANK. Did you get the drawings from the Washington office of the Signal Corps?

Colonel POWELL. Yes, sir. We gave them all the information that they asked for.

60. General FRANK. There has been some discussion here that they did not get the drawings from the Signal Corps to enable them to proceed with the work. What is your comment on that?

Colonel POWELL. The original proposition here was to build all of these stations aboveground, and we were going to furnish the houses and everything that went with it, and all that they needed was the floor

plan of the buildings, and we gave them that, because we were going to erect the buildings ourselves, they were a prefabricated building, and they knew where the sites were. It was all selected, and all they had to do was survey them and build the roads and build the concrete platforms for these buildings.

61. General FRANK. Was there any delay in the building of the roads to the sites?

Colonel POWELL. That's what held us up.

62. General FRANK. That is what held you up?

Colonel POWELL. Yes, sir.

[3893] 63. General FRANK. Who was responsible for building those roads?

Colonel POWELL. The Corps of Engineers.

64. General FRANK. After it was possible to reach the sites, was there any delay in building the camp sites and erecting the towers?

Colonel POWELL. Well, General Frank, the proposition was changed when General Emmons arrived here, after December. We were building these buildings aboveground. Then when General Emmons arrived here, he immediately changed the whole thing, and stated that these sets must be installed underground; and of course that started the whole thing; we had to revise all of our plans and start all over again and build these bomb-proof structures underground.

65. General FRANK. Was it possible to use commercial current in these sets?

Colonel POWELL. Oh, yes, sir; we do do that.

66. General FRANK. You do that?

Colonel POWELL. Yes, sir.

67. General FRANK. What permanent sets are now operating?

Colonel POWELL. The 271s, sir.

68. General FRANK. Can you tell me the date that the permanent stations that you have, began operation, how long after Pearl Harbor? Can you tell me about the date?

Colonel POWELL. I would say about eight months after Pearl Harbor, they were all done.

69. General FRANK. Is there anything more you would like to state about the permanent sets?

Colonel POWELL. No, sir; I don't believe I have. I have [3894] felt that it was a very wise thing to put these permanent sets in, bomb-proofed, because they were in such a location that, the quantity of them was such that we had to have them in permanent; and I just feel that General Emmons made a very wise move in giving that order for putting them into permanent locations, bomb-proofed.

70. General GRUNERT. The witness appears to be referring to a statement there that he prepared. Will you tell us what that statement is, and how long it is, and whether or not we could possibly have a lot of these questions answered if we read that statement?

71. General FRANK. We are going to put that into the record as an exhibit.

72. Major CLAUSEN. It is a memorandum to the Board, sir, that we have in our possession, that he is now using to refresh his memory.

73. General GRUNERT. Oh, it is just to refresh his memory?

74. Major CLAUSEN. His subordinate, Colonel Marston, prepared that statement.

75. General GRUNERT. All right. Go ahead.

Colonel POWELL. I have this whole report here if you want it.

76. General FRANK. Has anybody any questions he would like to ask about the permanent AWS?

77. Major CLAUSEN. I have.

78. General FRANK. Go ahead. I am going to ask him about the temporary or mobile sets.

79. Major CLAUSEN. Sir, you referred to Kaala, Kokee, and Halea-kala as being the sites for the permanent sets, is that [3895] correct?

Colonel POWELL. That is correct.

80. Major CLAUSEN. When were those sites originally selected?

Colonel POWELL. That was approved by the War Department on the fourth endorsement, June 27, 1940.

81. Major CLAUSEN. June 27, 1940?

Colonel POWELL. Yes, sir.

82. Major CLAUSEN. You know, therefore, that as of that date the engineers were also advised that those were prospective sites?

Colonel POWELL. Yes, sir.

83. Major CLAUSEN. So they had from June 27, 1940?

Colonel POWELL. The Department Engineer was next notified of approval of the project in an endorsement dated the 13th of July. He came back at us and asked us for certain funds.

84. Major CLAUSEN. Are you sure, Colonel, that there was no lack of Signal Corps plans that in any way held up the work of the engineers?

Colonel POWELL. Nothing that I know of.

85. Major CLAUSEN. And you would know if there was?

Colonel POWELL. Yes, sir. There is nothing in the records. Of course, it is over three years ago, but I do not recall having them call on me for anything, or there isn't anything in the record to indicate that they ever called on us for anything like that.

86. Major CLAUSEN. In so far as your branch of the service was concerned, you were right up to date at the time?

Colonel POWELL. Yes, sir; that is right.

[3896] 87. General FRANK. How soon after they arrived did they have money to proceed with the construction?

Colonel POWELL. This was the 13th of July, 1940; the District Engineer said that he was ready to proceed as soon as funds were received.

88. General FRANK. When were funds received?

Colonel POWELL. The Chief of Engineers gave the District Engineer an amount of \$50,000 on the 24th of July, 1940.

89. Major CLAUSEN. Do you know what amounts were subsequently furnished?

Colonel POWELL. No, sir, I do not have that information.

90. Major CLAUSEN. I have a letter referring to your permanent sites dated November 14th, 1941, to Colonel Colton, Chief, Matériel Branch, from yourself, Department Signal Officer, then Lieutenant Colonel, Signal Corps, reading:

(Memorandum for Colonel Colton, Chief, Matériel Branch, from C. A. Powell, Lt. Col. Signal Corps, Department Signal Officer, Hawaiian Department, November 14, 1941, is as follows:)

In recent exercises held in the Hawaiian Department, the operation of the radio set SCR-270 was found to be very satisfactory. This exercise was started

approximately 4:30 in the morning and with three radio sets in operation. We noted when the planes took off from the airplane carrier in the oscilloscope. We determined this distance to be approximately 80 miles, due to the fact that the planes would circle around waiting the assemblage of the remainder from the carrier.

As soon as the planes were assembled, they proceeded towards Hawaii. This was very easily determined and within six minutes, the pursuit aircraft were notified and they [3897] took off and intercepted the incoming bombers at approximately 30 miles from Pearl Harbor.

It was a very interesting exercise. All the general officers present were highly pleased with the proceedings of the radio direction finding sets and the personnel associated with the information centers.

We have had very little trouble with the operations of these sets. When the fixed stations are installed in the higher mountains surrounding Hawaii, we expect to have as good an air warning system available for use as is now operating for the British on their tight little island, as their situation is approximately the same as ours is on Hawaii.

Do you recall that, sir?

Colonel POWELL. No, sir.

91. Major CLAUSEN. Just to shorten our proceedings here, I am going to ask you the general question whether or not the facts you set forth in this letter are correct?

Colonel POWELL. Yes, sir.

92. Major CLAUSEN. Now, let me ask you this: whether on the day of the actual attack, when the Japs struck Hawaii, did all the Jap planes come in low over the water or did some come in high?

Colonel POWELL. I cannot answer that question, because I do not know.

93. General FRANK. Has anybody anything more on the permanent setups?

With respect to the mobile sets, the two seven O's, when did they arrive?

[3898] Colonel POWELL. The SCR-270's were received approximately the first of August, 1940.

94. General FRANK. When were they in place?

Colonel POWELL. We did not have any set place for them at that time, because we wanted to train our personnel, and we shifted them from place to place around the island and selected places on a temporary basis.

95. General FRANK. When was the first time that they were placed for use with the Information Center?

Colonel POWELL. I do not believe I have that record right now.

96. General FRANK. When were the first exercises held using both the radar stations and the Information Center?

Colonel POWELL. I do not think I have that information.

97. General FRANK. Do you have any memory about it?

Colonel POWELL. Yes. Approximately, I would say, October, September or October.

98. General FRANK. Of what year?

Colonel POWELL. Of 1940.

99. General FRANK. Was your Information Center set up in 1940?

Colonel POWELL. Let me see. Wait a minute. I mean 1941.

100. General FRANK. 1941?

Colonel POWELL. Yes, 1941, that is right; 1941.

101. General FRANK. There was an exercise held just shortly after it became operative, wasn't there?

Colonel POWELL. Yes.

102. General FRANK. How successful was that exercise?

Colonel POWELL. To the best of my knowledge and belief, it was very successful.

[3899] 103. General FRANK. In other words, the radar picked up the airplanes and reported the locations to the Information Center?

Colonel POWELL. That is right.

104. General FRANK. And the Information Center notified the fighters and they went out and intercepted the airplanes?

Colonel POWELL. Yes, sir.

105. General FRANK. That was about when?

Colonel POWELL. That exercise—May I look at this? I will give you the date of that.

106. General FRANK. Yes.

Colonel POWELL. This one was about, I would say, the first of November that I am referring to here.

107. General FRANK. Then had it been desired, the aircraft warning service could have operated on December 7th?

Colonel POWELL. Yes, sir. It did.

108. General FRANK. I know, but it was not in order, placed on an operating basis continuously?

Colonel POWELL. No, sir. That was due to the lack of spare parts. We were trying to conserve our instruments. They were brand new. We had no spare parts to repair the things with, so we were trying to keep it operating, what we felt was the most dangerous part.

109. General FRANK. What were the spare parts?

Colonel POWELL. The vacuum tubes and a number of the oscillators and other things, oscilloscope and other parts that go into making the machine. The vacuum tubes were the most critical.

110. General FRANK. Was commercial current delivered to the sites that you had selected and was it available on December 7th?

[3900] Colonel POWELL. To all those that were installed, it was, commercial power.

111. General FRANK. How many were installed?

Colonel POWELL. On December 7th?

112. General FRANK. Yes.

Colonel POWELL. I think there were six.

113. General FRANK. When did the sets start operating on a full-time basis?

Colonel POWELL. December the 7th.

114. General FRANK. How did they stand up?

Colonel POWELL. Well, we had a lot of trouble. We had to cannibalize them with a lot of the instruments to keep them going all the time.

115. General FRANK. But you kept them going?

Colonel POWELL. Yes, sir.

116. General FRANK. What kind of communication did you have between the radar sets and the Information Center?

Colonel POWELL. Telephone.

117. General FRANK. Telephone?

Colonel POWELL. Yes, sir. We had a cable.

118. General FRANK. Did that work satisfactorily?

Colonel POWELL. Yes.

119. General FRANK. Was it sabotaged on December 7th?

Colonel POWELL. No, sir.

120. General FRANK. Did you ever have any trouble with it?

Colonel POWELL. No, sir.

121. General FRANK. On December 7th, after the attack, was there any jamming of the air from a radio point of view?

Colonel POWELL. Not to my knowledge.

[3901] 122. General FRANK. That interfered with the ability of the radar to pick up planes in the air?

Colonel POWELL. No, sir.

123. General FRANK. Do you consider that there were any avoidable delays in the construction of the aircraft warning service system by the Engineers or by the contractors?

Colonel POWELL. I thought that they should have given the air warning a higher priority than they did, to get our work done. They were working on the airfields, and we had to take our priority behind the airfields.

124. General FRANK. What was it, do you know?

Colonel POWELL. I think it was "2". I am not sure.

125. General FRANK. Was money available?

Colonel POWELL. Money was not completely available until December the 7th.

126. General FRANK. And then it was available?

Colonel POWELL. Yes, sir, we had all we wanted.

127. General FRANK. Then you had all you wanted?

Colonel POWELL. That is right.

128. General FRANK. What was the nature of the delays, other than priority?

Colonel POWELL. Well, it was just practically a construction job of building the roads up to them and building the base camps.

129. General FRANK. Was this place on the priority list that the aircraft warning service held called to General Short's attention?

Colonel POWELL. I am sure it was, because he decided on it. I am sure he decided the priority.

[3902] 130. General FRANK. And the airfields had a priority ahead of the aircraft warning service?

Colonel POWELL. Yes, sir.

131. General FRANK. Do you know whether or not they had money to build the airfields?

Colonel POWELL. I do not.

132. General FRANK. Prior to December 7th?

Colonel POWELL. That I do not know, sir.

133. General FRANK. What is the difference between the 270 and 271 sets?

Colonel POWELL. The only difference is that one is mobile and the other is fixed. They have the same range, from the same instruments, except one is mounted on trucks and the other is fixed instruments.

134. Major CLAUSEN. One of the other differences, Colonel, is the fact that the fixed station has a tower, does it not?

Colonel POWELL. Yes, a fixed tower.

135. Major CLAUSEN. Yes.

Colonel POWELL. Of course, when you say fixed, you mean everything is fixed. It is a fixed tower, and with the 271-A for instance, you can put up a 100-foot tower for it, where you cannot carry a 100-foot tower around in a mobile outfit.

136. Major CLAUSEN. Could you readily say that this is correct: The difference between the mobile and the fixed, therefore, is the difference between a fixed and a mobile gun? In other words, the fact of being fixed makes for greater accuracy?

Colonel POWELL. No. I would not say that.

137. Major CLAUSEN. Is that correct?

Colonel POWELL. I would not say that.

[3903] 138. Major CLAUSEN. It is just a question of putting up a tower?

Colonel POWELL. Yes. The higher tower you can get the greater distance you obtain, due to the curvature of the earth. That is solely due to the curvature of the earth. That is solely due to the curvature of the earth at a low altitude.

139. Major CLAUSEN. Getting back a moment to my question, as to whether the Japanese planes actually did all come in very low along the water, I show you a graph of a plot of the Opana Station, and ask you whether you have seen that before?

Colonel POWELL. Yes, I have seen that.

140. Major CLAUSEN. That indicates that the planes were actually picked up by the Opana mobile station at what range, what distance? That is Exhibit No. 15 in Evidence.

Colonel POWELL. Well, I cannot figure that from this, but, as I recall it, it was around 80 miles.

141. Major CLAUSEN. At least 80 miles?

Colonel POWELL. Yes.

142. Major CLAUSEN. That indicates to you, therefore, what, with respect to the height of the attacking Japanese planes that came in that morning?

Colonel POWELL. It would indicate they were at least 500 feet in the air.

143. Major CLAUSEN. That is all I have on that point. By the way, just one more question:

This graph you recognize as a graph of the plot that you later on sent to Washington?

Colonel POWELL. Yes, sir.

144. Major CLAUSEN. It has been referred to in other testimony.

[3904] Colonel POWELL. Yes, sir.

145. Major CLAUSEN. Now, you said something about the fact that the mobile sets were subject to a conservation of instruments. Is it not true also that the mobile sets were powered not by commercial power but by auxiliary power or gasoline motors, is that correct?

Colonel POWELL. That is true.

146. Major CLAUSEN. Is the record clear on that point? Didn't you answer differently to General Frank, or what is the fact?

Colonel POWELL. The mobile sets, when we put them into these stations and finally got them around, we brought in commercial power.

147. Major CLAUSEN. But that occurred after Pearl Harbor, did it not?

Colonel POWELL. I cannot answer that question. I do not believe so. We had plenty of engines around there, generators, and they were better regulated than was the commercial power.

148. Major CLAUSEN. With regard to the priorities that you have referred to in your answers to the questions by General Frank, the Engineers set those priorities, did they?

Colonel POWELL. I do not believe so. I believe the Commanding General set the priorities.

149. Major CLAUSEN. Of the Hawaiian Department?

Colonel POWELL. Yes, sir.

150. General RUSSELL. Who on the island knows the maximum range of that set of radar or that which reaches farther out to sea? Would you be that man?

Colonel POWELL. At Haleakala?

151. General RUSSELL. I don't care where it is. I want to know that set which goes furthest out, the maximum range?

[3905] Colonel POWELL. This is it, the 270 and 271.

152. General RUSSELL. How far will it pick up aircraft today?

Colonel POWELL. It all depends on its height from the sea.

153. General RUSSELL. Is not that height fixed there, Colonel?

Colonel POWELL. No, sir. You can go upon a mountain and get like we did on Haleakala.

154. General RUSSELL. Do you mean to testify that nobody on this island today knows how far you can pick up incoming aircraft from the radar system as it is being operated?

Colonel POWELL. We can pick up today an average of 150 miles, if the plane is at least a thousand feet in the air.

155. General RUSSELL. That is all.

156. General GRUNERT. Are these all the questions you have of this witness?

We have had testimony before the Board, Colonel, to the effect that the necessity of changing the height of the towers on these permanent stations required additional blueprints and plans, and so forth, because the housing of that shorter tower was not the correct housing for the higher tower. Was there a change in the height of the towers, or was it put up to the Engineers?

Colonel POWELL. The towers we got were all prefabricated. We had the footings and we gave them to the Engineers. I do not know of any reason for such a statement. We did change the height of the towers, but they were shipped that way and they knew what we were going to have.

157. General GRUNERT. Then there is no reason why there was any delay on the part of the Engineers concerning the height of the towers on your permanent stations?

157A. Colonel POWELL. No, sir. I do not see any excuse for it.

General GRUNERT. Up to December 7th was there any S. O. P. [3906] on the getting of information to the Navy from your Information Center as it operated at that time?

Colonel POWELL. The Navy did not take much interest in this air warning system.

158. General GRUNERT. In what way?

Colonel POWELL. Well, they did not seem to be interested in it. We never were able to get any liaison officer over from the Navy to take part in the exercises or carry on the work.

159. General GRUNERT. Was it up to the Interceptor Command to provide them with the necessary communications, and then it was up to the Navy to furnish the liaison officer in the Center; is that right?

Colonel POWELL. Yes.

160. General GRUNERT. You say they took no interest in providing such a man?

Colonel POWELL. No, sir.

161. General GRUNERT. It appears from the testimony we had that they claim they were greatly interested, and were so interested that they kept pushing the program and were so worried about the thing not being complete and one thing and another. It seems to be counter to what you tell us here.

Colonel POWELL. To the best of my knowledge, General, I did not know that.

162. General GRUNERT. Did not they run in a Lieutenant Commander by the name of Taylor to assist in getting the air warning service started?

Colonel POWELL. No, sir.

163. General GRUNERT. You never knew a Captain Taylor?

Colonel POWELL. There was a Captain Taylor that went up [3907] with me one time to Haleakala to see for what reason the set would not get close-in information, but that is the only time a Navy man came around my office or offered anything.

164. General GRUNERT. This S. O. P. of November 5th, which provided for an interceptor command, when was that interceptor command actually activated?

Colonel POWELL. I do not know that, sir.

165. General GRUNERT. Who would have the command of that Interceptor Command?

Colonel POWELL. General Davidson.

166. General GRUNERT. Was there at any time any controversy between the Signal Corps or between you and Davidson as to when to turn the thing over to the Air Corps?

Colonel POWELL. No, sir.

167. General GRUNERT. Was not that provided in the S. O. P. of November 5th?

Colonel POWELL. Yes.

168. General GRUNERT. When was it actually turned over to them?

Colonel POWELL. That I do not know, sir.

169. General GRUNERT. The record shows that the Interceptor Command was actually activated December the 17th.

Colonel POWELL. I think that is about right.

170. General GRUNERT. Would that have been the date you actually turned it over?

Colonel POWELL. Yes, sir.

171. General GRUNERT. And up to that time there was no controversy between you, the two of you, as to whether the Air Forces [3908] should handle it or the Signal Corps should continue to handle it?

Colonel POWELL. No, sir. I knew General Davidson very well. We were very good friends. We used to discuss the thing, and I told him as far as I was concerned it was a Signal Corps function and we would work out a switch together.

172. General GRUNERT. Did the Signal Corps function up to the time the Air Corps command was activated?

Colonel POWELL. Yes, sir.

173. General GRUNERT. Was there any thought given to activating this thing prior to December 17th? Why did they put out the S. O. P. of November 5th, 1941, which gave the impression that the Inter-

ceptor Command was in being? What was the delay between November 5th and December 7th in activating that?

Colonel POWELL. I do not know, because General Davidson and I were both on the mainland. We left at that time on October 15th with Colonel Meehan. We went to the mainland to visit the exercises being conducted there and to visit other air-warning installations to see how we could improve ours, and we got back here December the 3rd.

174. General GRUNERT. During your absence there was a Colonel Murphy who carried on for you?

Colonel POWELL. Yes, sir.

175. General GRUNERT. He is now deceased?

Colonel POWELL. Yes, sir.

176. General GRUNERT. But you know of your own knowledge that there had been practices using all five of these mobile sets?

Colonel POWELL. Yes, sir.

177. General GRUNERT. Together with an improvised information [3909] center?

Colonel POWELL. Yes, sir.

178. General GRUNERT. That worked satisfactorily?

Colonel POWELL. Yes, sir.

179. General GRUNERT. To you?

Colonel POWELL. Yes, sir.

180. General GRUNERT. To the Department?

Colonel POWELL. Yes, sir.

181. General GRUNERT. To the Navy?

Colonel POWELL. I don't know about the Navy. I don't know anything about them.

182. General GRUNERT. Do you know whether the Navy understood the status of the Interceptor Command prior to December 7th?

Colonel POWELL. As I say, General, I know nothing about the Navy.

183. General GRUNERT. Whose business was it to keep the Navy informed?

Colonel POWELL. I should think it would have been General Davidson, the Operations Officer.

184. General GRUNERT. But his command had not been activated.

Colonel POWELL. General Davidson had the fighter command, and I was just running the air warning service, which is serving the fighter command.

185. General GRUNERT. When the fighter command and the air warning service were put together, they called it the Interceptor Command, or did at that time?

Colonel POWELL. Yes.

186. General GRUNERT. That had not been activated up to December 17th?

[3910] Colonel POWELL. That is right.

187. General GRUNERT. And the S. O. P. on November 5th referred to it just as if it was in being?

Colonel POWELL. Yes, sir.

188. General GRUNERT. We have testimony to the effect that the Navy understood, because of that S. O. P., that the thing was in being. Now, whose business was it to inform them it was not, or what they could do with it, or otherwise? How about the air warn-

ing service? If it was not your business as to that, was it your business to keep the Navy informed as to the status or degree of progress of what the air warning service was doing?

Colonel POWELL. At that time I did not feel it was my responsibility to inform the Navy. My responsibility was to General Davidson, and that is who I worked through.

189. General FRANK. General Davidson, under the Department Commander, General Short?

Colonel POWELL. Yes, naturally.

190. General GRUNERT. Your understanding was that the reason the Commanding General adopted the hours of 4 to 7 a. m. was to have such warning service as was then in existence in being and working during the most dangerous hours?

Colonel POWELL. That is right, sir.

191. General GRUNERT. And the reason they did not have longer hours than that was because of the lack of spare parts and so forth?

Colonel POWELL. Yes, sir.

192. General GRUNERT. Now, Lieutenant Commander Taylor, in the Roberts Commission testimony, says that "On the morning of the 7th it (referring to the air warning service) was not ready by [3911] any means for air warning for air interception; it was 2 or 3 weeks before we could get them functioning." Do you suppose that testimony referred to the permanent stations, or permanent system, or could it have referred to the temporary setup with the mobile stations at that time?

Colonel POWELL. I think all he referred to would be the mobile stations.

193. General GRUNERT. Evidently Lieutenant Commander Taylor did not have much confidence in the functioning of this temporary system which appears to have functioned during drills and tests?

Colonel POWELL. Yes, sir, and did function on the morning of December 7th.

194. General GRUNERT. Do you feel if the system had been in operation as you had it prior thereto, on December 7th, the morning of December 7th, when the attack hit, that they could have given sufficient warning to have helped the defense on that morning?

Colonel POWELL. That all depends upon the status of the personnel on the ground, what their status of defense was. It would not have helped if we had the system going if the fighters had not been alerted and on the ground and ready to take off in six minutes.

195. General GRUNERT. Let me put it this way: It would not have helped in the status they were then in, in Alert No. 1?

Colonel POWELL. That is right.

196. General GRUNERT. If they had been in Alert No. 2, which provides for defense against an air attack, plus sabotage, then what is your judgment?

[3912] Colonel POWELL. We would have given them fair warning and would have had the Air Corps get their fighters and I am sure there would have been a different result.

197. General GRUNERT. A reduced loss?

Colonel POWELL. Yes, sir, definitely.

198. General GRUNERT. Have you anything else that you think you might add that would be of value to the Board that you can give us, after General Russell has asked you some questions?

199. General RUSSELL. Colonel, some discussion has occurred about this exercise which was referred to and described in the letter of November, as I recall it.

Colonel POWELL. Yes, sir.

200. General RUSSELL. I was anxious to know the condition of readiness in supporting our ground troops in that exercise, as to those that went out and intercepted the incoming planes about 30 miles.

Colonel POWELL. That would have been the condition of readiness they should have been in on December 7th. It was all planned and the airplanes were all alerted and were at their airplanes and ready to take off, at their controls.

201. General FRANK. On what type of alert?

Colonel POWELL. I do not know that, sir.

202. General FRANK. There were three types of alert.

Colonel POWELL. Yes, but I do not know about that.

203. General RUSSELL. Were not the people in the airplanes when they got the message, ready to go up?

Colonel POWELL. That I do not know, sir. That is something that was handled by the Air Corps, and I do not know [3913] just what condition they were in, but I imagine they were by their planes and ready to go up and get off.

204. General GRUNERT. Any other questions?

205. Major CLAUSEN. Just a question, please.

Suppose, Colonel Powell, that the order had been given for 24-hour operation of these stations, let us say a week before Pearl Harbor, would you have been able in some way to have complied with that order?

Colonel POWELL. That is something I cannot answer. We would have operated, but how many sets we would have been able to continue in operation is problematical, because we cannot predict what is going to burn up in a set.

206. Major CLAUSEN. In other words, by operating maybe one or two of the sets you could have been on a 24-hour operation and taken spare parts from one to put in another?

Colonel POWELL. Yes, but when you take out one set you reduce your coverage.

207. Major CLAUSEN. Yes; I mean there could have been some compliance with the order?

Colonel POWELL. Yes, definitely, we could have complied with it.

208. Major CLAUSEN. That is all.

209. General GRUNERT. Any questions, Colonel Toulmin?

210. Colonel TOULMIN. No, sir.

211. General GRUNERT. Is there anything else you think of that you might want to tell the Board, Colonel?

Colonel POWELL. I would like to introduce this memorandum signed by my assistant to you. It is a kind of a resume of the [3914] status of the equipment for the fixed stations and the mobile equipment.

212. General GRUNERT. Is that memorandum prepared with your knowledge? Did you approve that memorandum?

Colonel POWELL. Yes, sir, I do.

213. General GRUNERT. All right, sir. Identify it and mark it for the record.

214. Major CLAUSEN. At this time we offer in evidence a memorandum dated September 14, 1944, from Colonel A. R. Marcy to Major General Walter H. Frank, with the exhibits referred to therein, as the exhibit next in order.

(Memorandum to Major General Walter H. Frank, signed by A. R. Marcy, Colonel, Signal Corps, POA, dated September 14, 1944, was marked Exhibit No. 57 and received in evidence.)

215. General FRANK. Is there anything else you would like to submit?

Colonel POWELL. No, sir, I have nothing at all.

216. General GRUNERT. That statement you have before you, to which you referred, you do not wish to offer that in evidence?

Colonel POWELL. No, sir. This is a complete resume of everything that I know about the air warning. I went through my records and had it condensed in this shape, so I could have it.

217. Major CLAUSEN. Would that be of value to the Board?

Colonel POWELL. No, sir, I don't think so. I would be glad to tender it, if you care to have it. It is the only copy I have.

218. Major CLAUSEN. I would like to borrow it.

Colonel POWELL. Yes, if you want to borrow it, I will be [3915] glad to let you look it over.

219. General FRANK. I suggest we put it in evidence, have a copy of it made, and then return this to him.

Colonel POWELL. All right, sir. This was just handed to me this morning, so I have not gone through it thoroughly. But it was prepared by officers in my office going over the whole history of the air warning service.

220. General GRUNERT. I think would be of value to the Board. Put it in evidence and have a copy made, and return this to Colonel Powell.

221. Major CLAUSEN. At this time we offer a Report On The Establishment of the AWS in Hawaii, prepared by Signal Office, Central Pacific Base Command, 31 August, 1944, which is the document and paper referred to by the witness, and the exhibit next in order.

(Report On The Establishment of the AWS in Hawaii, prepared by Signal Office, Central Pacific Base Command, 31 August, 1944, was marked Exhibit No. 58 and received in evidence.)

222. General GRUNERT. If you have nothing else to state, and there are no further questions, thank you for coming.

(The witness was excused, with the usual admonition.)

223. Major CLAUSEN. I have a communication from H. P. Benson of the Hawaiian Contracting Company, to the effect that his testimony given before the Board was incorrect. Mr. Dillingham, instead of owning only 10 per cent of the capital stock of that company owns in excess of 20 per cent. He also states in his letter that Mr. Dillingham received dividends in 1942 and 1943 of \$7,000 and \$4,200 respectively. I can either read this into the record, or in some other way bring it to the attention of the [3916] Board.

224. General GRUNERT. What is the pleasure of the Board? Have it read into the record? Is it long?

225. Major CLAUSEN. No, sir.

226. General GRUNERT. Read it into the record.

(Letter to Pearl Harbor Board of Investigation signed by H. P. Benson, dated September 18, 1944, is as follows:)

227. Major CLAUSEN (reading):

SEPTEMBER 18, 1941.

Pearl Harbor Board of Investigation, U. S. A., Honolulu, T. H.
Attention: Major Henry C. Clausen.

SIRS: I wish to correct my testimony given before your Board on Friday, September 15th, in particular as it referred to the stock holding of Mr. W. F. Dillingham in the Hawaiian Contracting Company, Ltd. Of the 16,680 shares of its capital stock outstanding since December 22, 1937, Mr. Dillingham has continuously owned 3,500 shares. This holding was not altered during 1942 and 1943.

As to my answer to the question as to what portion of the fee received by the Hawaiian Constructors was in turn received by Mr. Dillingham, the answer should be, no portion of the fee, *as such* was received by Mr. Dillingham. As a stockholder, his pro rata of any dividends authorized by the Directors was paid him in due course in accordance with his stock holding.

For some years, the Hawaiian Contracting Company, Ltd., paid a regular dividend of one-half on one per cent per [3917] month. This was continued during 1942 and 1943, and suspended indefinitely as of January 1, 1944. In addition, the company paid an extra dividend of four per cent in 1943.

Mr. Dillingham, therefore, received as dividends in 1942, \$7,000.00, and in 1943, \$4,200.00.

Mr. Dillingham received no other compensation, commission or salary in any form from this company.

Very truly yours,

H. P. BENSON, *Pres. & Mgr.*

[3918] **TESTIMONY OF MAJOR BYRON C. MEURLOTT, MILITARY INTELLIGENCE, HONOLULU, T. H.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Will you please state to the Board your name, rank, organization, and station?

Major MEURLOTT. Byron C. Meurlott, Major, Military Intelligence, stationed in Honolulu.

2. General GRUNERT. Major General Russell has a few questions to ask you. I will turn you over to General Russell.

3. General RUSSELL. Major, how long have you been here in the Islands?

Major MEURLOTT. A little over 20 years, sir.

4. General RUSSELL. How long have you been employed by the Federal Government?

Major MEURLOTT. 19 years.

5. General RUSSELL. In the main, what have your duties in connection with this federal employment been?

Major MEURLOTT. During the past 19 years they have been largely in connection with observing activities of the Japanese community in the Islands.

6. General RUSSELL. When were you commissioned as an officer in the Army of the United States?

Major MEURLOTT. I received my reserve commission, I believe, in about 1928.

7. General RUSSELL. When were you called to active duty under that commission?

Major MEURLOTT. The first of April, 1941, sir.

8. General RUSSELL. Major, what is your present assignment?

[3919] Major MEURLOTT. I am officer in charge of what is known as Counterintelligence Division.

9. General RUSSELL. Whom did you succeed?

Major MEURLOTT. General Twitty, then Colonel Twitty.

10. General RUSSELL. And whom did he succeed, if you recall?

Major MEURLOTT. Lieutenant Colonel Bicknell.

11. General RUSSELL. Were the duties which you performed prior to being commissioned in the office, related or similar to the duties which you have been performing since you were commissioned?

Major MEURLOTT. Quite similar, sir.

12. General RUSSELL. Quite similar to those you have performed since you went into service under your commission?

Major MEURLOTT. Yes, sir.

13. General RUSSELL. Major, there has been testimony before the Board, and we asked you to check on it, as to the number of the Japanese citizens, foreign-born or born here, who were followers of what is known as the Shinto theory of religion. Did you get that information?

Major MEURLOTT. Yes, sir; I have it with respect to the number of Shinto shrines and the number of Shinto priests.

14. General RUSSELL. As of December 7, '41?

Major MEURLOTT. Yes, sir.

15. General RUSSELL. Would you give the Board how many shrines there were and about how many followers of this form of religion existed on December 7, '41?

Major MEURLOTT. Yes. There were a total of 55 recognized Shinto shrines.

16. General RUSSELL. And what is your estimate on the number [3920] of Japanese who were followers of that form of religion?

Major MEURLOTT. I would say offhand it would be in the vicinity probably of 50,000.

17. General RUSSELL. How many Japanese were there on the Islands at that time? Approximately 150,000.

Major MEURLOTT. In the whole Territory, yes, sir, somewhere.

18. General RUSSELL. About a third of them were of this Shinto religion?

Major MEURLOTT. Yes.

19. General RUSSELL. Breaking it down as to those who were native-born and those who were born on the Islands, what proportion of the 50,000 were born on the mainland of Japan and what proportion were born here in the Islands?

Major MEURLOTT. Roughly, the entire alien Japanese community of about 40,000; very few exceptions there that weren't Shintoists.

20. General RUSSELL. You stated in one of our previous conversations something about the Japanese who followed Buddhism here on the Island, and you were of the opinion that the practices of that religion conformed the followers in a way to the practices of Shintoism; is that right?

Major MEURLOTT. Not necessarily the practices of Shintoism, sir. I meant by that statement that the Japanese in taking up Buddhism adapted it to the nationalistic teachings and practices of Japan.

21. General RUSSELL. Then, does it come to pass that from the standpoint of loyalty to the homeland or the Japanese Empire the philosophies of the two religions are closely [3921] related?

Major MEURLOTT. It does so far as the Territory of Hawaii is concerned.

22. General RUSSELL. What in your opinion is the difference in the outlook toward the homeland of the younger generation of Japanese on the Island from that of the older Japanese on the Island and those that were born in the homeland?

Major MEURLOTT. Well, they are divided in their sentiments. I wouldn't have any idea as to the proportions. Some are definitely loyal to the United States; others, as we have found in our investigations, are definitely loyal to Japan.

23. General RUSSELL. Is it true, or not, Major, that the agency or the office with which you are connected is continuing now its investigation of Japanese activities, and as a result of this investigation some Japanese are continuing to be interned?

Major MEURLOTT. That is correct, sir.

24. General RUSSELL. Could you tell me approximately the number of Japanese who have been interned in the last year?

Major MEURLOTT. Yes, sir.

25. General RUSSELL. Say, beginning in the late summer of '43?

Major MEURLOTT. I have here the figures for the period from September 15, '43, to 15 September, 1944, an even year.

26. General FRANK. Divided into what periods? Divided by the months?

Major MEURLOTT. No, sir. That is for the whole period. The total number of aliens apprehended in that period: 51; total number of dual citizens, that is, those born here but [3922] having Japanese citizenship: 42; or a total of 93.

27. General RUSSELL. And you referred to aliens. They were Japanese aliens?

Major MEURLOTT. Purely aliens; yes, sir.

28. General RUSSELL. Purely Japanese aliens?

Major MEURLOTT. Japanese aliens.

29. General RUSSELL. In the aggregate figures, about 93?

Major MEURLOTT. 93, a total.

30. General RUSSELL. Now, of all the Japanese who have been interned since December 7, '41, do you recall the trial in any court, either civil or military, of any one of those people?

Major MEURLOTT. Not regular courts of law, sir. There have been established here boards for the internment of Japanese, and they have appeared before those various boards.

31. General RUSSELL. Do you believe that this form of surveillance which is being conducted by the office to which you are attached is important and is responsible for the absence of sabotage on the part of Japanese residents of this Island?

Major MEURLOTT. I believe so.

32. General RUSSELL. In that same connection is it true, or not, that the Japanese people on these Islands cling together, operate as a bloc, economically, socially, and politically?

Major MEURLOTT. Yes, sir.

33. General RUSSELL. Has there been any change in the cohesion or the strength of cohesion with which they are being held together, by virtue of the present war conditions?

Major MEURLOTT. The only change has been brought about through the workings of security measures that we have [3923] established here. That is, we forced dissolution of many of the strictly alien Japanese organizations, and therefore they were not able to operate. Other than that there has been no noticeable change.

34. General RUSSELL. What influence on the political life of this community did this Japanese bloc have prior to the beginnings of hostilities on December 7, '41?

Major MEURLOTT. Politically?

35. General RUSSELL. Politically.

Major MEURLOTT. They had a great influence on the whole political life of the Territory.

36. General RUSSELL. In what way was that reflected, if you know in what ways that it was reflected?

Major MEURLOTT. In the candidates who were elected to the various territorial and municipal offices. There would seldom be any legislation that would be calculated to in any way hinder or affect the affairs adversely of the Japanese community. That was always obvious.

37. General RUSSELL. In other words, the local office holders and candidates were very respectful in their attitude toward the wishes of the Japanese groups here on the Island?

Major MEURLOTT. That is correct.

38. General RUSSELL. Was there definite evidence of the Japanese people voting together for candidates for public office?

Major MEURLOTT. It would be impossible to gather any evidence on that particular subject.

39. General RUSSELL. Major, based on this long experience of approximately 20 years with these Japanese people, what [3924] part, in your opinion, will they play in the future of these Islands, particularly in the political and economic life of the Islands?

Major MEURLOTT. In my opinion, they will definitely dominate the economic and political situation.

40. General RUSSELL. Would their opportunity for such domination be increased by granting to the Territory of Hawaii the status of statehood?

Major MEURLOTT. It would, sir.

41. General RUSSELL. Do you know of any efforts which have been made since the outbreak of hostilities December 7, '41, looking toward the reestablishment of these language schools on the Island?

Major MEURLOTT. There has been one definite instance in which an attempt was made to reestablish a school, in one of the more remote districts of the Territory.

42. General RUSSELL. Do you anticipate further efforts along that line?

Major MEURLOTT. Yes, sir. I think that is pretty conclusively borne out by the fact that these schools, the great majority of them, have failed to dissolve their organizations. Some few have dissolved and turned their assets over to community endeavors, but that has been only a very negligible number.

43. General RUSSELL. Have you any plans for the future as the results of the conclusions which you have reached about the part to be played in these Islands in the future by the Japanese?

Major MEURLOTT. Yes, sir. I don't believe I want to stay [3925] around here after the war.

44. General RUSSELL. Those are the only questions I have, Major.

45. General GRUNERT. Any other questions?

46. Major CLAUSEN. I have a question, yes, sir.

Major Meurlott, I show you a memorandum entitled "Memorandum for the files," dated July 22, 1942, to the effect that Hans Wilhelm Rohl was such a drunkard that he was even incompetent to be a subsversive influence. Did you make this?

Major MEURLOTT. Yes, sir; I wrote that.

47. Major CLAUSEN. When you were operating under G-2; is that right?

Major MEURLOTT. Yes, sir.

48. Major CLAUSEN. That is all I have.

49. General GRUNERT. Any other questions?

50. General RUSSELL. This is your signature on this?

Major MEURLOTT. Yes, sir.

51. General RUSSELL. What do you base that rather sweeping conclusion on, Major?

Major MEURLOTT. That was merely passed on to me as a result of a conversation Lieutenant Colonel Bicknell had with Colonel Mollison at that time. He said that was a conclusion they had arrived at in a conference, and this was merely for the purpose of the files.

52. General RUSSELL. All right. That is all.

53. General GRUNERT. Major, have you anything else that you think of offering to the Board for its consideration in coming to conclusions as to its mission?

Major MEURLOTT. I can't think of anything offhand, sir.

54. General GRUNERT. All right. Thank you for coming.

(The witness was excused, with the usual admonition.)

(Thereupon, at 12:20 p. m., the Board concluded the hearing of witnesses for the day and proceeded to other business.)

[3926]

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[3927] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

WEDNESDAY, SEPTEMBER 20, 1944

PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

The Board, at 9:30 a. m., pursuant to recess on Monday, September 18, 1944, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President, Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

General FRANK. I wish to read into the record the following memorandum submitted to the Board as a reply to questions asked General Bragdon with respect to the procedure and the regularity of the manner in which the Mokuleia Airport was obtained and improvements made thereon to the extent of over \$5,000,000 by the United States Government without even any lease on the property:

(Memorandum dated 18 September 1944, from Lt. Col. J. S. Bragdon, in answer to questions of General Frank in re Mokuleia Airfield, is as follows:)

[3928]

18 SEPTEMBER 1944.

Memorandum to Pearl Harbor Board

(Attention: General Frank)

Subject: Acquisition of Mokuleia Airfield.

This is in answer to General Frank's questions to me this morning concerning the acquisition of the Mokuleia Airfield. Three questions were asked with reference to the memorandum filed by Mr. S. Perliter, dated 16 September 1940 as follows, namely first: Whether I did not think that on the face of that memorandum that the transaction was irregular; secondly, why the Engineers had gone on the property without either a lease or a fee; and thirdly, why the Engineers were leasing the property instead of purchasing it in view of the large expenditure for work thereon.

I stated that I could not honestly answer the questions without going into the matter. I have questioned four persons in direct contact with the transaction, namely, Mr. S. Perliter, Head Engineer, Mr. H. C. Jackson, present head of the Land Acquisition Section, Real Estate Division of the Base Engineer Office, Lt. Colonel C. S. Marek, who was the Real Estate Officer at the time the work started, and Colonel B. L. Robinson, who was the Operations Officer.

My study of the matter after going over it with these four persons convinces me that there was nothing irregular in the entire transaction.

[3929] Mr. H. C. Jackson informed me as follows:

That Mr. Dillingham had given verbal permission to go on this land and that he in fact suggested it; that because of the great volume of land taken over and its cost, it could not be decided immediately just what property to lease or to purchase without careful study; that this matter had been taken up with General Emmons who approved the proposal that all tracts should be carefully reviewed and a decision later made as to whether each tract should be leased or

purchased in fee; that the policy in the meantime would be to lease rather than to purchase; that in the meantime it was the policy in the interim period to cover our holding property by a lease.

This explains how initially the attempt was made to lease the land from Mr. Dillingham rather than to purchase.

It should be borne in mind that in land acquisition, whether by lease or purchase, it is necessary to submit a gross appraisal which requires a detailed study of all factors including cost of the land, its use, cost of restoration, post war values, etc.

Mr. Jackson also stated that in mid 1943 a study was made and submitted of a large number of tracts as to whether they should be acquired by purchase or lease; that Mokuleia was on this list as No. 2 for purchase, but that recommendations would be made on each individual case after studies thereof; that papers on the Mokuleia case are now in Washington [3930] with the gross appraisal and all other required data with recommendations for purchase.

Colonel C. S. Marek, who was Real Estate Officer at that time also states that Mr. Dillingham suggested the use of this field to General Emmons; that verbal permission from Mr. Dillingham was secured; that one reason why it was not known initially whether it should be better to purchase or procure a lease, and why in fact steps in either of these directions were impractical was that the Air Corps did not know how extensively this field would be developed; that at first it was merely an emergency field; that one reason later for delaying the purchase was his inability to get qualified appraisers. This matter had been taken up with higher authority in an endeavor to secure qualified appraisers.

Colonel B. L. Robinson stated that with reference to this particular tract, the Engineers were instructed to begin construction within twenty-four hours and did in fact have equipment on the job and construction started within twenty-four hours; that this project did in fact start as an emergency one. Mr. S. Perliter, Head Engineer, independently questioned, collaborated the fact that this was an emergency project; that it was not known at first just how extensive the project would be; and that the project was added to from time to time by the Using Service which was the Air Corps in this case. For your information work is still going on on this field, [3931] consisting of new buildings and widening of runways.

From all the facts above there was nothing irregular in this transaction and the entire matter is being clarified in a regular manner. I believe the foregoing answers rather completely all your questions. I have not had time to secure from the files all the basic papers covering the lease and recommendations but I am sure the information given by the four persons named above, who were in close contact with this matter, is trustworthy.

/s/ J. S. Bragdon
J. S. BRAGDON
Lt. Col., U. S. Army.

TESTIMONY OF HAROLD T. KAY, MILITARY AIDE TO THE GOVERNOR OF HAWAII, HONOLULU, T. H.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Kay, will you please state to the Board your name and address?

Mr. KAY. My name is Harold T. Kay. Presently I am military aide to the Governor of Hawaii and active Colonel in the Guard. I am in civilian life vice-president of C. Brewer & Company, lived there for 22 years.

2. General GRUNERT. Mr. Kay, the reason I asked that you come before the Board was that during testimony of a former witness, a Colonel Pratt, who in 1941 was in charge of civil affairs for the Hawaiian Department, when I asked him, "Do you know of any witnesses now in Hawaii that can help us get the true story?" he testified to the effect:

[3932] Well, there is a gentleman named Mr. Harold Kay, who I believe now is military aid to the present Governor of the Territory, who on the morn-

ing of the attack observed the attack from his home at an altitude of 900 feet, which overlooked the whole south seaward coast of Oahu, through binoculars, and made notes of what he saw at the time, and I think he might be of some aid to the Board in finding out or corroborating testimony as to what actually did happen so far as he saw it there.

You were in Hawaii during the attack, were you?

Mr. KAY. Yes, sir.

3. General GRUNERT. And will you tell us what you saw and what you think will be of help to the Board in ascertaining the facts as to the attack?

Mr. KAY. Certainly.

4. General GRUNERT. Tell us your own story, please.

Mr. KAY. I might state that I made a report, at the request of the 7th Air Force Intelligence, of what I saw on the 7th of December, and that that report was filed with the Intelligence office, and subsequently a copy of it was furnished General McCoy of the Roberts Commission. It was made shortly after the attack, as a matter of fact the second day, on the 8th, and it states much more accurately than I can right now, due to the elapsation of time, the particular details. I could furnish the Board with a copy of that report. I have one or two copies in Honolulu, and I could forward a copy on to the Board, and it might be more accurate and it might be clearer than what I could tell the Board at this time. However, if the Board desires me to recollect to the best of my memory, I should be glad to.

[3933] 5. General GRUNERT. Will you do that, and then in addition thereto send us a copy of that report?

Mr. KAY. Yes.

6. General GRUNERT. Which we will study to see whether or not anything can be added that we want.

Mr. KAY. I shall be glad to.

The attack started around—well, shortly before eight o'clock. I place it at that time due to the fact that at that particular time I was trying to persuade my wife to take her children and go to the mainland, due to the tensivity of the situation there; and during our argument, why, the house began to shake, and I told her to go downstairs to find out what the kiddies were doing, that I had never heard them make a noise like that before. And she tore downstairs and came back and reported that they were not doing anything; they were quietly eating breakfast.

So I told her to go outside and see what was happening. The house was still shaking, and large booms, and so forth, and she came running back and said, "Well, it's war all right."

Well, I, of course, dashed right out to our top lanai and saw Hickam Field and Pearl Harbor under attack. I had some powerful binoculars at that time and was able to see very clearly just what was happening, and it was a very vivid sight. From the south planes were coming in, and as those planes would pass over Hickam you could hear large explosions and you could see spurts of fire come out of the hangars, and as planes would pass over the ships in Pearl Harbor you could likewise see spurts of fire and hear large explosions.

Now, from where my house is located one can see the [3934] entire southern part of the Island from—

7. General GRUNERT. Right there, will you give us a description of where your house is, compared to a known military installation?

Mr. KAY. I am about four air miles from Hickam Field and probably four and a half from Pearl Harbor itself, being located on top of Alewa Heights, which is to the right of Nuuanu Valley, or should I say left of Nuuanu Valley going up Nuuanu Valley, and my house is located at about 800 feet above sea level and combines a clear view of everything from the Waianaes, Waialua, the Waianaes, through Schofield, swinging around through Ewa, Pearl Harbor, Hickam Field, the major part—in fact all of Honolulu, the various forts in along the sea front, on through to Diamond Head, and around to the other side of Diamond Head to Ruger. I am about three—well, probably a mile or mile and a half, direct air miles, from the shore line and the ocean, and probably the same distance from Honolulu harbor itself.

The day was a very clear day with only a few clouds gently moving with the very light trade wind. The visibility was excellent, one of our very best days, and at that hour of the morning, why, looking into the west the visibility is even enhanced due to the fact that the sun is shining toward the west.

8. General GRUNERT. Go ahead.

Mr. KAY. Have I sufficiently located the house?

9. General GRUNERT. That is sufficient, yes.

Mr. KAY. As these planes—

10. General FRANK. Would you mind marking the position of [3935] your house with an "X" on there (indicating)?

11. General GRUNERT. On that map.

12. Colonel WEST. A red pencil might show up a little better.

13. Colonel TOULMIN. Just draw a line up there and say, "Kay house."

14. General GRUNERT. All right. Now, if you proceed with your statement, please.

Mr. KAY. Well, instantly there passed through my mind the thought that I should check on the radio to see whether any alarm had gone out. So I again sent my wife downstairs to turn on the radio, and she came back and reported that only church music was being played.

So I went to the telephone and called up KGU and KGMB, our two radio stations there, and was unable to get either station; called up the police station, and kept ringing busy, and then I called up what we call our emergency station there and was unable to make any impression on our emergency station that any general alarm should be sent out.

I kept that up over the period of the next hour or so, and refer to as I go along, but I stayed outside practically all that time except when I went in to put in these calls to see if I could get emergency. As I stated, when I first saw these planes they were coming from a south direction and directly toward Hickam Field and Pearl Harbor. It appeared to me that the planes were shuttling; in other words, they would let go their loads and return to the direction they came from, because there was a constant stream coming from that direction, and it would seem to me that they were turning around and going back.

[3936] Later, I would say probably about a half an hour, forty-five minutes later, I observed planes coming from a southeasterly direction, flying very low and slowly, about the speed that our inter-island commercial planes fly at, and they were proceeding along our

coast line, coming in at about Diamond Head and proceeding along our coast line, and would come to almost Pearl Harbor, and then they would go to a higher altitude, into the light clouds, and then suddenly dive down, and their descent would be followed by terrific explosions. The descent would be right over our battleships there, which could easily be seen both by the naked eye and clearly through the binoculars; and the dives would be followed, as I stated, by heavy explosions and large spurts of fire. During this period I saw no planes attack any of the planes coming in. There was sporadic light fire from in and about Pearl Harbor, some from the ships, and—well, I couldn't very well locate where the other fire was coming from, but it was rather irregular and didn't seem to have very much effect on the planes.

From about eight-thirty on, ships began to leave Pearl Harbor at high speeds, and planes would follow them out, and as they would follow them out you could see geysers of water splashing over the ships, and the ships after they got into the open sea would zigzag and head in a southeasterly direction, and that kept up, oh, for some time.

The air attacks came in waves and were not constantly maintained. There was a very heavy attack around nine-thirty, followed by terrific explosions, and that apparently was caused by these large planes that I could see coming in along [3937] the seashore.

15. General FRANK. Around Diamond Head?

Mr. KAY. From Diamond Head direction. And they came in in what seemed to be quite—not large numbers, but quite a few. At that time I saw no firing, as I stated, at any of these planes other than from around the Pearl Harbor area.

After fruitlessly trying to arouse the radio stations, and so forth, why, I gave that up around about the hour of, I think it was, about nine o'clock when radio suddenly awoke and blasted out that we were under attack. During that period several people called up, among them Mrs. Draemel, wife of Admiral Draemel, asking me what we could see from up at our place, that her husband, Admiral Draemel, had been called in, and also other people, but all the time that I could I spent out on this top lanai.

Then, with these attacks continuing and as a matter of fact increasing, I sent my family up into the hills, and I got together what armament I had, and went up there with them near a large reservoir that is up behind our house. I had in my mind that there might be attempted sabotage and that reservoirs might be attacked and that I might serve some useful purpose there in trying to protect that reservoir.

[3938] During this entire period one was struck with the futility of being able to do anything; it seemed so one-sided, and so difficult to do anything about it. These attacks continued through the morning. At the hour of about eleven o'clock planes flew very low over our hilltop in a direction headed toward the other side of the island, up through the Nuuanu Gap, probably 40 or 50 planes in that flight, and they flew very low, and they bore a very close resemblance to pictures that we had just seen of the German 2-engine Stuka bomber. They bore no insignia, and were a very dark, gray-black color.

About an hour after that, or about 45 minutes after that, approximately the same number of planes flew back, some going down the

valley, letting go some of their bombs, a few over in the Diamond Head area, and then others, passing directly over our heads about 200 feet above us. On the return trip, we were able to observe some fighter planes escorting the bombers, and on the fighter planes one could observe the Japanese "rising sun" insignia, but these bombers still did not have any insignia that we could observe, and they were just immediately over our heads. They flew back toward Pearl Harbor and then went on out to sea.

Around about 9 or 9:30, we could see planes flying in the direction of Wheeler Field, but, at the distance that Wheeler Field is from our house, it was difficult to observe just what damage they may have done.

The observable attack was maintained until about 1:30, and the last heavy gun action—the gun action around the Pearl Harbor area was increasing at that time—was around about 1:30, and the last planes that we saw in the air, the last Japanese [3939] planes, was between the hours of about 1:30 and 2 o'clock. After 2 o'clock, we waited about a half an hour, or an hour, before going back to the house. We saw no planes take off of Hickam Field until about 11 o'clock, when we saw one plane go up.

As the attack progressed during the morning, it progressively hit the various hangars—well, of course, that happened right at the beginning—so that all we could see on Hickam Field was nothing but burnt-out hangars, with the exception as I recollect of the last two—that is, the two closest "mauka", or towards the mountains. The planes were pretty well demolished. One of the interesting things we noted was that the runway wasn't in any way damaged. We couldn't see any damage to it, and that led us to the belief that the Japs wanted to keep the runway for their own use later.

That, about, in brief summarizes what we could see.

16. General GRUNERT. All right. Now, will you tell us why you were so anxious to get your wife to the mainland?

Mr. KAY. Well, for over a year it had been a general feeling out in Hawaii that hostilities could very easily break out between the United States and Japan; as a matter of fact, for a matter of several years, it had been felt that they could break out, and that had grown increasingly tense, so that in the last year it was the general impression, at least among quite a few of us I know, that hostilities could break out any time; particularly the last two or three months, there, preceding Pearl Harbor.

17. General GRUNERT. Then at that time you were what we may call "warminded"?

Mr. KAY. I was, sir.

[3940] 18. General GRUNERT. And you anticipated an attack on Hawaii within a comparatively short time?

Mr. KAY. Yes, sir.

19. General GRUNERT. Was that the general feeling, or was that your own feeling?

Mr. KAY. I think that was the feeling that was held by a good many of us. For instance, General Herron, whom I know very well, held that feeling, and when General Herron was relieved by General Short, I met General Short through General Herron, and I had frequent conversations with General Short, whom I got to know socially,

and whom I became very fond of, as to the danger of attack on Hawaii and on the need to be prepared; and I recollect very clearly that General Short was very, very much concerned over the inadequate preparation that was possible with the supplies and equipment that had been made available to him.

20. General GRUNERT. Do you know to what extent he used those supplies and that equipment which had been made available to him, on the morning of the attack?

Mr. KAY. I couldn't say, sir. I talked with General Short after the 7th, and I have discussed Pearl Harbor several times with him, and I think he could better answer that question than I.

21. General GRUNERT. Now, you spoke of going from your house up to the reservoir, arming yourself, with the idea of protecting that reservoir from possible sabotage. Was there any evidence of attempted sabotage during the attack, or shortly after the attack?

Mr. KAY. Before answering that question, sir, could I [3941] refer back to my previous answer, with respect to why we felt that war was imminent—one of the reasons? I recollect clearly that General Short appeared before our local legislature about, I think, two months before Pearl Harbor, and plead with the local legislature to pass the mobilization bill—as we called it, the “M-Day Bill”, which at that time was under consideration by the legislature. It was an unprecedented move, and it marked the first time that a commanding general in our department ever appeared before our local legislature; and he made a very impassioned speech at that time, urging the legislature to do all it could to be prepared.

Now, with reference to the last question, I know of no sabotage, myself, personally. I have been asked that question by Members of Congress and people in the administration, and I have always had to answer it in this way, that there are no known records so far as I know of, corroborated, of any affirmative acts of sabotage. Clearly there was espionage. We all felt, though, that sabotage was certainly in the picture, and that undoubtedly there were many Japanese agents who could and would have availed themselves of any opportunity of committing sabotage.

22. General GRUNERT. Mr. Kay, I understand that you have stated that Senator Thomas was very much interested in this attack and the causes and so forth. Do you know the ground of his interest, or what form it has taken, and whether or not he knows of anything that bears on what this Board has been appointed to do? And I will tell you, the Board has been appointed to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of [3942] Hawaii, on the 7th of December 1941, and, in addition thereto, to consider the phases which related to the Pearl Harbor disaster, of the report of the House Military Affairs Committee, the latter being largely concerned with construction activities prior to the attack.

Now, do you know what is Senator Thomas's direct interest, and whether or not the ground that he is attempting to cover, if he is attempting to cover some ground, is such that you could tell us what it is, and whether or not he could assist the Board, if the Board sees fit to call him?

[3943] Mr. KAY. My answer in brief is yes, and I would like to be permitted to elaborate on that.

23. General GRUNERT. Go ahead. What Senator Thomas is this?

Mr. KAY. Perhaps I better give you this. It might be of interest. It will be a matter of identification of myself with the Senate Military Affairs Committee (handing document to General Grunert). Senator Thomas is from Utah and presently is acting chairman of the Senate Military Affairs Committee.

24. General GRUNERT. May I interject here that this is a letter of September 14, 1944, on the stationery of the United States Senate, Committee on Military Affairs, signed by Elbert D. Thomas, Acting Chairman, and it says:

(Letter to whom it may concern, from Senator E. D. Thomas, acting chairman, Senate Military Affairs Committee, dated September 14, 1944, is as follows:)

To Whom it May Concern:

This will introduced Colonel Harold T. Kay, Military Aide to the Governor of Hawaii. Colonel Kay is now en route to Honolulu, Hawaii, having been called to Washington to assist this committee with certain matters relative to the national security. It is urgent that Colonel Kay return to Honolulu at the earliest possible date and it will therefore be greatly appreciated if air transportation and every possible courtesy which will expedite his trip are extended to him.

All right. Go ahead now.

Mr. KAY. Back in 1939, when the war broke out in Europe, I told General Herron, who had been the Commanding General of that Department, that I would like to offer my services to the armed forces again. I previously held a commission in the [3944] Army Air Reserve about 15 years, and prior to that had been two years in the last war and I have been much interested in Army matters for a good many years, in fact, since the last war. It seemed to me that we would be drawn into this war, and at that time I felt everybody who could be of assistance should get into it.

General Herron at that time advised me that due to my age—I was 43 then; that is five years ago—it would be preferable if I retained my civilian status, but he would let me know from time to time when I could be of any help.

When General Herron was relieved I saw quite a bit of General Short, and at various times we discussed the preparations that could be made out in the Hawaiian Islands to resist any attack in connection with any war that might be waged against our country.

At the time of the attack it was generally felt that the Hawaiian Islands had been pretty well starved in the matter of equipment and artillery and was wholly inadequate to resist any sustained attack.

25. General FRANK. Do you know how it fared relatively with respect to all of the rest of the United States Army?

Mr. KAY. I could only answer through hearsay, and that brings me up to this point of Senator Thomas' offer and, if I may, I would like to defer my answer to that until I come to Senator Thomas' offer.

When the attack came along and it appeared that we were so impotent, the general feeling was in the services and amongst civilians that every effort should be made to get more help out there. I happened to be fortunate enough to know [3945] people in Washington, both in Congress and in the administration, who might be of assistance at that time in securing more help.

It was generally felt that practically everything that we had, that is, in the country itself, was going the other way, and it was felt that unless somebody tried in every way possible, that the assistance that we really required might not get out our way; it might be too late.

So I was asked by people out there, some of them in the service and others, to do all I could to get more help out there, and in February I went to Washington and there conferred with people in the cabinet, with people in Congress, and others with the administration, people in the War Department, on the subject of getting more help to Hawaii.

It was felt in Washington by most of the people I conferred with that unless something definite was done, the help that Hawaii needed would not get to Hawaii.

So I returned to Hawaii with Robert Hinckley, at that time Assistant Secretary of Commerce, and at that time the air adviser to the President, with the idea in mind that Hinckley could make a survey of the situation out there and report back to people in Washington just what was needed.

I understand such a report was made after conferring with General Emmons and General Tinker and Admiral Nimitz and others. I can say at this time, due to the fact that I was present when those gentlemen discussed our situation with Mr. Hinckley, that there was a general feeling that we did not have enough out there to successfully resist attack.

Senator Thomas, who was then acting chairman of the Senate [3946] Military Affairs Committee, had always had a great interest in the Pacific; he had lived about 7 years in Japan, and he was of great help to us at that time.

When I returned I was desirous of again trying to get into the service, but again I was asked to continue in the role of trying to get what help I could out there, and among those people who urged me to do that was Colonel Pratt, General Woodruff, who was formerly one of our Department Commanders, Mr. Hinckley and some others.

26. General FRANK. Was Woodruff ever Department Commander?

Mr. KAY. Yes. Just for a short time. That was before he went to the Northeastern Department.

I made several trips more to Washington from time to time and discussed our situation out there from time to time with Washington, and at all times I endeavored to act in a constructive way, simply on the basis of doing what I could without in any way interfering with military operations or in any trying to pose as a military expert, but simply from the standpoint if I could be of assistance with these other branches of the government I was only too willing to serve.

27. General GRUNERT. Then Senator Thomas' interest was mainly in the line of preparedness for Hawaii?

Mr. KAY. And in getting proper help out there.

28. General GRUNERT. Did he know anything about the attack or the conditions prior to the attack?

Mr. KAY. If I may continue on this one line one step further, just before leaving Washington I discussed with Senator Thomas the request that this Board had made that I appear before the Board, and he asked me to make this offer to [3947] the Board:—

29. General FRANK. To this Board?

Mr. KAY. To this Board. —that he place the services of the Senate Military Affairs Committee at your disposal, that they would endeavor to secure any and all information that might have any bearing on the Pearl Harbor situation, not only in Hawaii but in Washington and internationally, and that they felt—he felt—they could be of great assistance, in that they could subpoena records that this Board might not be able to subpoena, and that they might secure data from the State Department and from the various branches of the government and from other sources which might not be secured unless they were secured through some such body as the Senate.

He further wanted it to be definitely understood that he was making this offer in a constructive way and that whatever they did would be carried on in a quiet way, with no desire to gain any publicity, but simply to bring to the Board all necessary data and information, and that he was not very much in sympathy with the actions of some of the people in the House who apparently were trying to make this a political issue but he did want to see that all facts came out fairly.

It seemed from the standpoint of people who have been charged with dereliction of duty, particularly General Short, that it is only fair that all the facts be brought out, and Senator Thomas would like to be of assistance in that respect; and I speak as a friend of General Short when I state that, and also from the information which I have secured myself but which I cannot repeat now, because it would be hearsay, before this Board, and it might be considered as a violation of confi- [3948] dence on the part of the people who have given me such information, but who I am sure would be glad to give the information directly to the Board if it came through, say, a channel such as the Senate Military Affairs Committee.

30. General GRUNERT. Have you any questions?

31. General RUSSELL. I don't think so. It seems to me the witness has suggested a field for investigation but does not define it. I do not just know how to go about exploring the field he has reference to, how to approach the people who have made statements to him. I do not know just how to go about it.

Mr. KAY. I might give you a slight lead there, General. Senator Thomas met every Saturday morning with Secretary Hull of the State Department and also about every other Saturday with the President.

32. General RUSSELL. During what period, are you talking about?

Mr. KAY. Before and after Pearl Harbor. And also talked with Kurusu shortly after Pearl Harbor.

33. General RUSSELL. Senator Thomas is in Washington?

Mr. KAY. He left Washington two days ago and is arriving at Salt Lake City this morning, and can be reached at Salt Lake City.

34. General RUSSELL. Do you know when he is going to be back?

Mr. KAY. I do not think he will go back until after the election.

35. General GRUNERT. Any question from the rest of the advisers?

36. Major CLAUSEN. I just wondered, sir, first, if Mr. Kay when he sends that report in should be given the address of our office in the Munitions Building.

37. General GRUNERT. Yes. I expected the recorder to do [3949] that.

38. Major CLAUSEN. 4745 Munitions Building, not here, but send it to Washington.

39. General FRANK. And would you send it by air mail, please?

Mr. KAY. Certainly.

40. General GRUNERT. This Board is limited as to time. We have a full docket. That appears to cover what we hoped to get out of you and we are glad of this opportunity to find you available to the Board. I think General Frank has an additional question.

41. General FRANK. You were interested in sending your wife back to the States and was fearful of the situation with which the families might be confronted in case of war. Was that because you were apprehensive about internal uprising of the local Japanese or because of fear of outside attack?

Mr. KAY. Both, sir. The sabotage factor was just as strong a factor as any factor in the minds of our people out there. We have a large Japanese population, and although we have worked diligently out there to turn them into good Americans, we know that some percentage are more loyal to Japan than to the United States. Just what that is, we do not know.

42. General FRANK. Are you conversant with the State Department Peace and War White Paper?

Mr. KAY. I am not, sir. I have heard of it, and I have read excerpts, but I could not say that I am conversant with it. I have heard it discussed.

43. General FRANK. You never read it?

Mr. KAY. I have never read it all the way through.

44. General FRANK. You have seen it?

[3950] Mr. KAY. I have never seen the entire document.

45. General FRANK. You spoke of the M-Day Bill before the Legislature. What was your idea of M-Day?

Mr. KAY. Well, as we considered M-Day, it was the day where, for either internal or external reasons, an emergency affecting the safety of our people might arise, and on that day we should be prepared to meet it, regardless of whether it was inside or outside.

46. General FRANK. What I am trying to arrive at is, did you expect a declaration of M-Day before an act of war?

Mr. KAY. We all felt—I won't say we all felt—but it was generally assumed that we would not start off like a football game, and that time would be called for the game to be started. In other words, something might break out and we should be ready for it. It might be internal sabotage; it might be an uprising; it might be a sudden attack off our shores. Whatever it was, M-Day should find us ready.

47. General FRANK. Are you making any distinction now between M-Day and D-Day?

Mr. KAY. No, sir. Well, D-Day, I would say, would be quite different. M-Day, in our opinion, simply meant to us a danger, brought about by some enemy source.

48. General FRANK. A danger signal that you thought would be waved before war would be started?

Mr. KAY. No, sir. Frequently, it had been discussed that war could break out without any declaration. As a matter of fact I recall back in 1934 General Wells telling me one day that any time, he

thought, during that period of crisis with Japan over the Manchuko question, Stimson's issuance of an [3951] ultimatum, we might hear of Japanese firing off of Oahu.

49. General FRANK. And you believed that war could start at the snap of fingers, and you did not expect any preliminary warning?

Mr. KAY. No, sir. When it started, that was that, and there was no opportunity of getting families out or anything else.

50. General GRUNERT. We thank you very much for giving us your time.

Mr. KAY. You are entirely welcome, sir.

(The witness was excused, with the usual admonition.)

51. General GRUNERT. I will read the stenographic report of my conversation today with Senator Thomas:

(The stenographic report of a telephone conversation taken at the Presidio of San Francisco, California, between Lt. Gen. George Grunert at the Presidio of San Francisco, California, and United States Senator Elbert D. Thomas of Utah, at Salt Lake City, Utah, at 12:56 p. m., Wednesday, September 20, 1944, is as follows:)

General GRUNERT. Hello. Senator Thomas?

Senator THOMAS. Yes.

General GRUNERT. This is General Grunert.

Senator THOMAS. Yes, General Grunert.

General GRUNERT. I am president of the Army Pearl Harbor Board.

Senator THOMAS. Yes.

General GRUNERT. In order that you may fully understand the purport of my message to you, will you please listen carefully to the following without interruption, and then we can talk about it later?

Senator THOMAS. Yes, sir.

[3952] General GRUNERT. We have just had the pleasure of hearing the testimony of a Mr. Kay.

Senator THOMAS. Yes.

General GRUNERT. Vice-president of Brewer and Company, of Honolulu.

Senator THOMAS. Yes.

General GRUNERT. Who is military aide to the Governor of Hawaii.

Senator THOMAS. Yes.

General GRUNERT. He presented to me a letter of identification from you. He conveyed verbally your message offering your good offices and the powers and facilities of your great committee to aid this Board in the mission assigned to it in the investigation of the Pearl Harbor disaster.

We are about to wind up our hearings. We have one day more, that is, tomorrow, Thursday, here in San Francisco, and will return to Washington to start another week of hearings in Washington commencing next Monday.

Senator THOMAS. Yes.

General GRUNERT. At the end of that week of hearings we will complete our report, which must be delivered on the 14th of October.

The reason for my calling you is that we would like very much to get further details, as Mr. Kay would only say that there were important sources of information and important witnesses that were available, but he refused to disclose their names, referring us to you for further identification. I would prefer not to ask you for such [3953] information over this telephone.

Senator THOMAS. I did not catch that, General. Hello.

General GRUNERT. Yes.

Senator THOMAS. Hello, General. Somebody broke in.

General GRUNERT. Did you get that our report must be delivered by the 14th of October?

Senator THOMAS. Yes. That is where you better start, General.

General GRUNERT. The reason for my calling you is that we would very much like to get further details, as Mr. Kay would only say that there were important sources of information and important witnesses that were available, but he refused to disclose their names, referring us to you for further identification. I would prefer not to ask you for such information over this telephone, for reasons you will appreciate.

My reason for calling you, therefore, is to inquire, in view of the fact that we understand you will not be back in Washington until after the 1st of November, whether you would do us the great favor of letting us fly you to San Francisco, so that you could confer with us tomorrow, Thursday morning, here in San Francisco at the Presidio. We believe it would be very much more helpful to have this opportunity to do so now while the matter is fresh in our minds.

Senator THOMAS. When are you going back?

General GRUNERT. We are not sure whether the information and witnesses you know of will be of such character [3954] that we are authorized to call them or to inquire into these matters, in view of the powers given this Board.

Now, this Board was appointed to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on the 7th of December, 1941, and, in addition thereto, to consider the phases which related to the Pearl Harbor disaster of the report of the House Military Affairs Committee, which latter is largely concerned with construction activities prior to the attack.

Now, that is the end of what I wanted to get across to you and now we can go ahead and talk.

Senator THOMAS. Yes.

General GRUNERT. We are due to go back soon. We have to leave here on the 22nd at the latest, possibly tomorrow afternoon.

Senator THOMAS. I could not come to San Francisco, General, even if you did fly me, because I just got home today and I am in the midst of a political campaign, and they have made appointments for me.

General GRUNERT. I see.

Senator THOMAS. You see, I have been chairman of the House-Senate Conference on disposal of surplus property and it has kept me all the time there in Washington. But I have nothing for you in the way of witnesses or anything of that kind. I think that what Mr. Kay is talking about is the probable Congressional investigation afterwards.

General GRUNERT. I see. We do not want to overlook [3955] any sources of information if they relate to the limited investigation that we are making.

Senator THOMAS. Yes.

General GRUNERT. I just took this opportunity to make sure that we were not overlooking something that might refer to that particular phase.

Senator THOMAS. No. I would be on the investigation end myself trying to find out information. I thought maybe on your way east you probably would go through Salt Lake. Will you not?

General GRUNERT. No. We plan on going via the southern route.

Senator THOMAS. I see. I was going to say if you would let me know when you are coming through here I could meet you.

General GRUNERT. From what I gather, you have nothing particular, except the general matters pertaining to the whole situation and nothing that would be of particular interest to the Army Board in investigating the Army end of the Pearl Harbor attack; is that right?

Senator THOMAS. No, nothing that would mean anything at all. I do have, of course, as a student of the Pacific—and I suppose that is where Harold Kay would get the idea—I do know about Dutch Harbor; I do know about Old Japan and things of that kind.

General GRUNERT. I recall very pleasantly your having talked to us out at the War College while I was a director at the War College.

Senator THOMAS. Yes.

[3956] General GRUNERT. Some few years ago.

Senator THOMAS. Yes.

General GRUNERT. So I know of your deep interest and knowledge of Far Eastern affairs.

Senator THOMAS. Yes. General, the Commandant out there, when you were there, what was his name?

General GRUNERT. That was General Simonds.

Senator THOMAS. General Simonds and I were pretty good friends.

General GRUNERT. That is right. I recall your coming out there and giving us some illuminating thoughts.

Senator THOMAS. Yes.

General GRUNERT. Well, Senator, I won't take up any more of your time then. I just wanted to make sure we did not overlook a bet.

Senator THOMAS. That is right. There is nothing in the way or persons or things; it would just be in the way of theory, because I know nothing of course about the matters as such.

General GRUNERT. All right. Thank you very much and I hope to see you in Washington, some time, Senator.

Senator THOMAS. Yes, sir. I hope to get back myself, thank you.

General GRUNERT. All right, goodbye.

(The conversation terminated at 1:03 p. m.)

[3957] **TESTIMONY OF CYRIL J. HARRINGTON, 2142 EWING STREET, LOS ANGELES, CALIFORNIA**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Harrington, will you please state to the Board your name and address?

Mr. HARRINGTON. Cyril J. Harrington, 2142 Ewing Street, Los Angeles, California.

2. Colonel WEST. And what is your present occupation, Mr. Harrington?

Mr. HARRINGTON. I am working in pictures.

3. General GRUNERT. Mr. Harrington, General Frank, assisted by Major Clausen, will develop this particular part of our investigation, so I shall ask General Frank to go ahead.

4. General FRANK. Mr. Harrington, where were you employed from September 20, '36, to November 1940?

Mr. HARRINGTON. Biltmore Hotel.

5. General FRANK. Where?

Mr. HARRINGTON. Biltmore Hotel.

6. General FRANK. In what city?

Mr. HARRINGTON. Los Angeles.

7. General FRANK. All right. In what capacity?

Mr. HARRINGTON. House officer.

8. Major CLAUSEN. At the present time, Mr. Harrington, you are not employed by the Biltmore; is that correct?

Mr. HARRINGTON. That is right.

9. Major CLAUSEN. You are an actor in the movies?

Mr. HARRINGTON. Well, I do extra and bit parts.

10. Major CLAUSEN. Yes. You were at one time employed by the [3958] Biltmore, from September 20, 1936, to about November 5, 1940?

Mr. HARRINGTON. That's right.

11. Major CLAUSEN. And your duties during that time were called "house officer"?

Mr. HARRINGTON. House officer. Some call it house detective.

12. Major CLAUSEN. You were, in any event, whatever they called it, supposed to act as an overseer of things in the hotel and in general keep yourself informed of what went on; is that correct?

Mr. HARRINGTON. That's right.

13. Major CLAUSEN. Do you know a Hans Wilhelm Rohl?

Mr. HARRINGTON. Yes, sir.

14. Major CLAUSEN. Pretty well acquainted with him?

Mr. HARRINGTON. Very well.

15. Major CLAUSEN. And do you know a Colonel Theodore Wyman, Jr.?

Mr. HARRINGTON. I don't know the Colonel as well as I know Mr. Rohl.

16. Major CLAUSEN. Yes, but in the discharge of your duties as house officer at the Biltmore during that period of time did you have occasion to meet these men, Mr. Harrington?

Mr. HARRINGTON. Well, I have seen the Colonel several times but very seldom ever said anything to him, or outside of "Good evening" or "How do you do," or something like that.

17. Major CLAUSEN. To your knowledge, however, Mr. Rohl, Hans Wilhelm Rohl, was from time to time a guest of the hotel?

Mr. HARRINGTON. Quite often.

18. Major CLAUSEN. During that period of time. Would he on [3959] these occasions get a suite or an apartment?

Mr. HARRINGTON. Always an apartment, if available.

19. Major CLAUSEN. What did this apartment or suite consist of in the line of rooms and available facilities?

Mr. HARRINGTON. It consisted of a parlor, dining room, bedroom, and it is not necessarily kitchen: an ice box where you could cool drinks or have—you know what I mean.

20. Major CLAUSEN. Facilities for making drinks?

Mr. HARRINGTON. That's right.

21. Major CLAUSEN. Well, did you have occasion to see Hans Wilhelm Rohl in these apartments from time to time?

Mr. HARRINGTON. Yes, sir.

22. Major CLAUSEN. Did you have occasion to see Colonel Wyman at these apartments from time to time?

Mr. HARRINGTON. Yes, sir.

23. Major CLAUSEN. And what would usually be the conditions of Colonel Wyman and Mr. Rohl on your visits to these apartments?

Mr. HARRINGTON. Well, Mr. Rohl always had a supply of liquor on hand, regardless of whether Colonel Wyman or whoever happened to visit the apartment there; or if he didn't have, he would get it. There was always liquor available, I would say. In fact, I was called to his apartment many—he had a habit of calling me up there most every time he was there, for some unknown reason; I don't know why; and lots of times introduced me as his bodyguard, and things like that, just showing off, in other words.

24. Major CLAUSEN. Well, had Rohl and Wyman on these occasions been drinking?

[3960] Mr. HARRINGTON. Well, I wouldn't say that. I couldn't truthfully say that I saw Colonel Wyman take a drink, but the condition of the apartments, and I mean after the checking out, were such that there had been drinking going on; there would be no doubt about that.

25. Major CLAUSEN. And how about other things than drinking going on? Had you occasion to see girls up in these apartments?

Mr. HARRINGTON. Yes, several.

26. Major CLAUSEN. And when you say "several," how many, from time to time?

Mr. HARRINGTON. Well, the more girls there, the better Rohl would be satisfied, if he was only there by himself; I might put it that way.

27. Major CLAUSEN. Well, can you tell the Board what kind of girls these were, from your observation and your general knowledge of these girls in your business as a detective?

Mr. HARRINGTON. Well, I can truthfully say that the girls that came to his apartment were not what you'd call habitués of the hotel, that is, found in other rooms, outside of two girls that were with Mr. Sveddrup or Sverdrup.

28. Major CLAUSEN. Sverdrup.

Mr. HARRINGTON. And they had been told to leave the hotel at one time, to my knowledge. However, I wasn't the one that instructed them to leave. The house officer at that time on duty was Cunningham, who is now in England, in the armed forces.

29. Major CLAUSEN. Would you see these girls in Mr. Sverdrup's room except Rohl's apartment.

Mr. HARRINGTON. Well, they were Sverdrup's friends, and he brought them to Mr. Rohl.

[3961] 30. Major CLAUSEN. You mean these particular girls?

Mr. HARRINGTON. These particular two I have seen in the hotel before.

31. Major CLAUSEN. I see.

Mr. HARRINGTON. But I had seen these girls that frequented Rohl's apartment on different occasions, but never saw them in any other room except Rohl's apartment.

32. Major CLAUSEN. Would they be what you might call goodtime girls?

Mr. HARRINGTON. Well, I would be forced to say, more or less party girls.

33. Major CLAUSEN. Yes. By the way, these parties that would occur in the apartment of Mr. Rohl or Mr. Sverdrup, how long would they last?

Mr. HARRINGTON. Well, Sverdrup couldn't hold a candle to Rohl. I mean Rohl might come and stay two or three days and in that time might spend a couple of thousand dollars, or give it away, but Sverdrup wasn't that type of a fellow. He was more or less on the conservative end, sir.

34. Major CLAUSEN. Now, specifically with regard to Colonel Wyman, did you see him in Mr. Sverdrup's apartment on any occasion when it was indicated that he had spent the whole night there?

Mr. HARRINGTON. Once.

35. Major CLAUSEN. And when was that, about, if you remember approximately?

Mr. HARRINGTON. Well, it was the night—it was about two weeks before Rohl left for Pearl Harbor, as I recall; maybe ten days before.

[3962] 36. Major CLAUSEN. And what year was that, Mr. Harrington, if you remember?

Mr. HARRINGTON. I believe it was '41.

37. Major CLAUSEN. Yes.

Mr. HARRINGTON. I would say about November '41.

38. Major CLAUSEN. What time of the day or night was it that you saw Colonel Wyman in Mr. Rohl's apartment on that occasion?

Mr. HARRINGTON. About seven a. m.

39. Major CLAUSEN. Seven a. m., early morning?

Mr. HARRINGTON. Yes.

40. Major CLAUSEN. Do you know, had he been there all night, evidently?

Mr. HARRINGTON. I couldn't say for sure; apparently he had.

41. Major CLAUSEN. What was his condition, Mr. Harrington?

Mr. HARRINGTON. I would say, just by looking—I didn't say any more than "Good morning" to him—that he had been drinking and apparently hadn't been to bed, or didn't look like he had.

42. Major CLAUSEN. Wyman did not look as though he had been to bed?

Mr. HARRINGTON. No. He looked like he was ready to retire at that time.

43. Major CLAUSEN. In other words, he had been on an all-night party?

Mr. HARRINGTON. Of course, that's not authentic; I mean I don't know for sure, but—

44. Major CLAUSEN. Those were your observations—

Mr. HARRINGTON. That's right.

[3963] 45. Major CLAUSEN. —and conclusions, based on your experience in that particular sphere of observations; is that correct?

Mr. HARRINGTON. That is right. I would say that the man was there all night, but I don't know. He could have came in.

46. Major CLAUSEN. Well, in addition to looking at the general picture, it is correct, isn't it, also, that at that time you were not employed by the hotel?

Mr. HARRINGTON. That's right.

47. Major CLAUSEN. But what is the circumstance, therefore, as to how you happened to see Colonel Wyman in Mr. Sverdrup's apartment at 7 a. m. even though you were not employed at the hotel?

Mr. HARRINGTON. Well, I met Mr. Sverdrup in a bar adjoining the Bowl the night before, if I remember correctly, and he asked me what I was doing, and I told him I wasn't doing anything, and he asked me how I'd like to go to Honolulu, and I said it all depended on what I was going to do over there; that I had been injured before, on the police force in Chicago, and I wasn't able to do strenuous work, and one thing another; and so he told me to meet him the next morning at 7 o'clock, to come to his apartment. And I said, "Why so early?" or something, and he said he was leaving early.

48. Major CLAUSEN. Did he say anything about going to talk this over with Mr. Rohl?

Mr. HARRINGTON. He said he was, but he evidently didn't.

49. Major CLAUSEN. And was this job something to do in Honolulu?

Mr. HARRINGTON. Yes, supposedly.

50. Major CLAUSEN. What did he say to you about having talked [3964] with Mr. Rohl, when you asked him about it on this morning?

Mr. HARRINGTON. Well, I really don't remember, as I—I believe—now, I am not positive of this, whether Rohl was in the hotel at the time or not, but I think he was. But he had—he always had an apartment, and of course at this time, as this particular time, Sverdrup also had an apartment.

51. Major CLAUSEN. Was Rohl a sort of profuse spender of money, just throwing it around?

Mr. HARRINGTON. Well, he oftentimes called me at the Biltmore, and in fact I have even taken money out to him to night clubs on Vine Street, a five hundred at times, something like that; and he invariably, for no reason at all, only just to flash money, he would call the bellboy

and say, "Go down and get me five hundred at the desk," or maybe a thousand; and when the bellboy would hand it to him or if he would call me and send me down, he would never count the money or anything. I mean he—just hand it to him and he would never count it; and a great habit of tipping people. He put tens and twenties—he would separate them all and fold them all, and he would put them in a vest pocket. He would have singles, fives, tens, and twenties, and the bellboy would come up with a drink or a pack of cigarettes, whatever it might be; he would just reach his hand in a pocket and pull out a bill and never look what it was; it might be a ten, it might be a twenty, it might be a one, or it might be a five, or whatever it happened to be.

52. Major CLAUSEN. He had even on one occasion chartered a plane, didn't he, for himself, to fly to some place?

Mr. HARRINGTON. I flew with him to Salt Lake.

53. Major CLAUSEN. In other words, do you know the [3965] circumstances? He chartered that plane just for himself?

Mr. HARRINGTON. Just for he and I.

54. Major CLAUSEN. Yes.

Mr. HARRINGTON. Called me up there about eleven o'clock one night and asked me how I would like to fly to Salt Lake. I said, "Are you crazy?"

And he said, "No, we'll get a plane."

So I told him I didn't know whether I would get away or not. Well, naturally, I like a trip like that. Most anybody would. So he called the airport, and he raised a lot of hell because he couldn't get a Mainliner. He wanted a Mainliner plane.

55. Major CLAUSEN. He wanted to charter a Mainliner?

Mr. HARRINGTON. Yes.

56. Major CLAUSEN. Did you ask him why he didn't just go as a passenger like normal people?

Mr. HARRINGTON. No, I didn't ask him. So he settled for an eleven- or twelve-passenger plane, cost \$850 for the one way, gave the pilot—or gave the pilot, the co-pilot, and the stewardess—he gave them a hundred-dollar tip at Salt Lake after we had breakfast. Then we got a suite of rooms at the Utah Hotel, and I flew back that night.

57. Major CLAUSEN. Did you fly back with him?

Mr. HARRINGTON. No; he remained there.

58. Major CLAUSEN. Or did he charter a plane back for you, or what?

Mr. HARRINGTON. No; I had to go as a private passenger.

59. Major CLAUSEN. By the way, Mr. Harrington, you saw Colonel Wyman, did you, in the company of Mr. Rohl and Mr. [3966] Sverdrup on occasions there at the hotel?

Mr. HARRINGTON. Well, now, Mr.—Colonel Wyman, rather—I never saw him with Sverdrup, only that one time.

60. Major CLAUSEN. What time was that? Tell the Board the instance.

Mr. HARRINGTON. That was seven o'clock that morning that I visited his apartment.

61. Major CLAUSEN. What is the instance about Mr. Sverdrup and Mr. Rohl?

Mr. HARRINGTON. Oh, yes; that's right. Well, of course, Wyman wasn't there. You mean about the two girls in the room?

62. Major CLAUSEN. Yes. You might tell the Board the instance.

Mr. HARRINGTON. Well, Sverdrup had a suite, I believe 7315 and 16, and he called down from—I believe he was in Mr. Rohl's apartment that time. In fact, I know he was. And he wanted the room cleaned up. They had been up there drinking, and ashes and empty bottles and things. So while they were up there he wanted the room cleaned up, and there was no maids on at that time at that hour. It must have been around midnight or maybe after. So we had a fellow there by the name of Ray Moore who was the cleaning man, had the contract to clean the hotel, the rugs and everything, and he used to help out, and help—only had one bellboy after the middle of the night there; and he used to do errands for the bellboys or act as an extra bellboy. So there was no one to clean the room, as I say, a maid, so he went up to clean up the room.

While he was up there he found a lady's purse there, and he called me, and of course the door was unlocked, and he [3967] thought I ought to know about it. And I looked in the purse, and there was about \$3 in there, as I remember. And I knew, or thought I knew, that they were visiting in Rohl's apartment. So I went up there, and Sverdrup got real mad about it and said that I had no business touching anything in his room; and I said, "Well," I said, "the lady could have missed her purse thinking she might have brought it up here and then somebody stole it or something, and somebody else might be involved." And I said, "I thought it was the thing to do to bring it up here."

Well, he flew off the handle, and Rohl told him to shut up and that I was his friend, and ordered him out of the apartment, to take his girl friends and leave.

63. Major CLAUSEN. He said, "Take your girl friend and leave"?

Mr. HARRINGTON. Yes.

64. Major CLAUSEN. By the way, Mr. Harrington, these things that you saw at the Biltmore to which you have testified occurred when in point of time, so far as the night was concerned?

Mr. HARRINGTON. That I can't say.

65. Major CLAUSEN. Well, when would you go on duty? That would give some—

Mr. HARRINGTON. Oh, I went on duty at eleven-thirty.

66. Major CLAUSEN. In other words, you would see these things from eleven-thirty—

Mr. HARRINGTON. On.

67. Major CLAUSEN. —p. m. onward; is that correct?

Mr. HARRINGTON. That's right.

68. Major CLAUSEN. I think that is all.

69. General RUSSELL. How frequently was Wyman in Rohl's apartment during this period of time, Mr. Harrington?

Mr. HARRINGTON. Well, that I don't know. I just— [3968] I get these insignias mixed up. What is your—what I told you out in front there about the elevator man, you know (addressing Major Clausen).

70. Major CLAUSEN. Yes; he has given me several leads to other witnesses.

71. General RUSSELL. I just am anxious to know whether the Colonel dropped into Rohl's room frequently or infrequently when Rohl was there during that period.

Mr. HARRINGTON. Well, as I told this gentleman, after midnight there they only have one elevator. Of course, now with the conditions there they have more.

Now, this elevator man was on that elevator for years, and he is a very reliable, conscientious fellow, and he is their only man on that elevator, and he would be in a position to know much more. Wyman could be in that apartment many times that I wouldn't know anything about unless I was called to the rooms, or something, because with an apartment a guest has most any kind of privileges that he wants. But Rohl frequently called me to the—called me up there and, you know, where that elevator man would know maybe many times that he went up there, if he did, where I wouldn't know anything about at all. That's what I am bringing out.

72. Major CLAUSEN. You asked my insignia?

Mr. HARRINGTON. Well, what I was going to say, I didn't know what—whether to call you—

73. Major CLAUSEN. Oh. Major.

Mr. HARRINGTON. "Major" or what to call you. That's what I meant.

74. Major CLAUSEN. Yes. I didn't know.

[3969] 75. General RUSSELL. Now, did you see Wyman at any of these clubs where Rohl was, when you would take him over?

Mr. HARRINGTON. No. No, I never did.

76. General RUSSELL. That is all.

77. General FRANK. How frequently did you see Wyman in these apartments, generally, from your memory?

Mr. HARRINGTON. Well, that I couldn't say, because the man—I didn't pay any attention to him because he wasn't a—well, I might say this: he wasn't a sociable fellow that would talk to a fellow like me or a bellboy, where Rohl would kid around with everybody; and, as I say, I never talked to Wyman at all outside of saying good evening, and he could have been there a lot of times that I wouldn't even know whether he was there or not.

78. General FRANK. Well, do you remember seeing him there, generally from your memory, twice, a dozen times, or what?

Mr. HARRINGTON. Oh, I would say three or four times, and sometimes the elevator man would say, "Well, Colonel Wyman is up there," or, "Somebody's up"—he might mention to me that so and so went to Rohl's room, or something like that, and that could have been mentioned where I wouldn't even recall it.

79. Colonel TOULMIN. Would you say it was not unusual for Wyman to be up there?

Mr. HARRINGTON. No, I really don't know whether—

80. Colonel TOULMIN. It wouldn't strike you as being so unusual as for you even to remember the details, would it?

Mr. HARRINGTON. Well, I wouldn't say it would be unusual for him to be there, because I heard his name mentioned lots of times, you know, when I was there, but, like I say, I never [3970] talked with the man.

81. Colonel TOULMIN. Well, you would take him to be a constant visitor, then?

Mr. HARRINGTON. Well, I would say this: that if he was in town—but he was in Honolulu and everywhere else. I mean, if he was in

town, why, I think Rohl usually made it a point to get an apartment at the hotel. That's what I think, but that is not—

82. Colonel TOULMIN. I am talking about Wyman now.

Mr. HARRINGTON. Yes; that is what I mean. When Wyman would be in town or if he lived there all the time—I understand he lived on Beachwood Drive for a while, but I don't know whether Wyman lived there all the time or whether when he would come into town and then Rohl would take an apartment, or what; I don't know.

83. Colonel TOULMIN. Then Wyman would come up there?

Mr. HARRINGTON. Yes.

84. Colonel TOULMIN. I see. That is all.

85. General FRANK. In the nature of their association you feel they were pretty good friends?

Mr. HARRINGTON. Oh, definitely, I would say that.

86. Colonel TOULMIN. You would say they were intimate friends, wouldn't you?

Mr. HARRINGTON. Well, as I told the Major there, that in my estimation Rohl was smarter intoxicated than most people are sober. That's the way I figured the man. He would lead you to believe that he was ready to fall down, but he never overlooked anything.

87. General FRANK. Is that all (addressing Major Clausen)?

[3971] 88. Colonel TOULMIN. Did you hear any business discussions going on?

Mr. HARRINGTON. Never.

89. Colonel TOULMIN. That is all.

90. General GRUNERT. Everybody seems to be satisfied. Mr. Harrington, is there anything else that you might tell the Board that might be of value to it on this matter?

Mr. HARRINGTON. Well, I guess you gentlemen, you are—what your interest is here now is in Wyman more than Rohl, isn't it?

91. General GRUNERT. We are interested in any facts concerning the two of them, that bear on what we are required to investigate. But if there is anything that is on your mind that you would like to get off your mind, we would like to hear it and then judge whether or not it will be of value to us.

Mr. HARRINGTON. I don't know of anything else, or I can't think of anything else right now. In fact, everything that I practically know about it was in that report, I believe.

92. General GRUNERT. All right, sir. Then, we thank you for coming up.

Mr. HARRINGTON. Thank you.

(The witness was excused, with the usual admonition.)

(There was a brief informal recess.)

[3972] **TESTIMONY OF BRUCE G. BARBER, ATTORNEY, U. S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Barber, will you please state to the Board your name and address.

Mr. BARBER. Bruce G. Barber. My home address?

2. Colonel WEST. Yes.

Mr. BARBER. 3880 Olmstead avenue, Los Angeles, California.

3. Colonel WEST. And you are connected with the Immigration and Naturalization Service, at present, sir?

Mr. BARBER. Yes, sir; I am.

4. General GRUNERT. Mr. Barber, General Frank, assisted by Major Clausen, will develop this particular part of our investigation, so I will turn you over to them.

5. Major CLAUSEN. I would like to ask how long you have been attorney for the Bureau of Immigration and Naturalization?

Mr. BARBER. I have been in the service 19 years. I believe I entered in 1926.

6. Major CLAUSEN. Do you recall, on an occasion, having discussions with an Edward A. Furbush, during a period of February to March or April, 1943, regarding Hans Wilhelm Rohl, with aliases?

Mr. BARBER. No, sir; I have no independent recollection of that interview.

7. Major CLAUSEN. I am going to read. I would like to follow this procedure and read an excerpt from this report by this Federal Bureau of Investigation man, and ask the witness to verify whether or not these facts were developed by him and [3973] the agent. This reads, on page 8:

(Excerpt from report of Edward A. Furbush, 4/28/43:)

While examining the file at Immigration and Naturalization in Los Angeles, Immigration Attorney, Bruce Barber, on March 6, 1943, stated that he was in favor, after having the facts of the immigration investigation called to his attention, of denying Rohl his citizenship because of the many apparent flagrant violations of the immigration law.

Barber added that Colonel Theodore Wyman had communicated four or five times during the investigation of this case with William A. Carmichael, former District Director in Charge of Immigration and Naturalization Service, and now a Lieutenant Colonel in the United States Army, for the purpose of expediting the investigation by describing the necessity of Rohl's services in the construction work which was then under his charge. Attention is called to the fact that after the investigation conducted by the Immigration and Naturalization Agents which furnished the information set out in Section III of this report, impelled them to recommend prosecution of the subject and deny him his citizenship. The investigation and request for prosecution was consummated May 27, 1941, according to the Immigration and Naturalization files. Prosecution was denied on the grounds that the Statute of Limitation on the misrepresentation of citizenship violation had taken effect. Rohl was given his final hearing and admitted on September 15, 1941 by the Federal court in Los Angeles on the basis that he was married to an American citizen.

It should be noted that Colonel Wyman was interviewed [3974] on February 20, 1941, and at that time stated that he first became acquainted with Rohl in California and that his relations with him were purely of a business nature. He had assumed without any basis, according to the information given by him, that Rohl was a citizen. He had added that he treated the information as hearsay that he had received, indicating Rohl's father was a Professor of Engineering in a German university and that Rohl was born in Germany.

Now, Mr. Barber, in connection with the files that were mentioned in this FBI report, have you brought with you today from Los Angeles what your superior described as a "skeleton file"?

Mr. BARBER. Yes, sir; I have.

8. Major CLAUSEN. Your superior was whom?

Mr. BARBER. Albert Del Guercio. He is the District Director for the Los Angeles District of Immigration and Naturalization Service.

9. Major CLAUSEN. And this file to which I invite your attention is the one which is now in your hands?

Mr. BARBER. Yes, sir. This is our temporary file, on the Rohl matter.

10. Major CLAUSEN. And where are the remainder of the papers?

Mr. BARBER. Our temporary file shows that the original file was forwarded to our central office in Philadelphia, to be transmitted to the Department, in Washington. This was on April 29, 1944, together with the central office file; and I am now informed that the Los Angeles file at least is being mailed out, air mail, from Washington, D. C. I believe it was [3975] mailed yesterday and is to come to Mr. Wixon, here in San Francisco.

11. Major CLAUSEN. And has Mr. Wixon your authority to turn that over to the Board?

Mr. BARBER. I believe Mr. Wixon, though I am not sure, is directed to come here with the file and testify from the file, or make its contents available to the Board.

12. Major CLAUSEN. May we have the file to which you have referred, and which is now in your hands?

Mr. BARBER. Ordinarily these files are a part of our permanent records, and we would not want to release them indefinitely. However, we would be glad to make it available to the Board for review.

13. Major CLAUSEN. All right.

Mr. BARBER. And if it were wanted further than that, I, of course, would have to take it up with the central office.

14. General FRANK. Is there any objection to our photostating those?

Mr. BARBER. I see no objection.

15. Major CLAUSEN. Then we may have this file for observation and study and ultimate return to the Bureau?

Mr. BARBER. Yes. I would like to make this reservation, that I discuss the matter with Mr. Wixon, and if he believes it necessary, we might clear with our central office, because ordinarily under a Department of Justice instruction based upon the Supreme Court decision, these records are made confidential and are not to be given out. Of course, this is an Army agency, so I see no objection to it whatever.

16. Major CLAUSEN. May I suggest that you do that, for the [3976] reason that Mr. Wixon raised the point as to whether he was authorized to turn over to the Board the file that is being air-mailed to him. I call his attention to the fact that the only reason it is being air-mailed here is to turn it over to the Board.

Mr. BARBER. Yes.

17. Major CLAUSEN. And that if there was any question whatsoever, since we, as a Board, are very crowded for time, he immediately communicate by telephone or wire to obtain authorization.

Mr. BARBER. I will clear that matter with Mr. Wixon, and see that if necessary he wires the central office to get a clearance. Now, may I understand, correctly, that you merely want the file for a temporary period?

18. Major CLAUSEN. That is all, sir.

Mr. BARBER. I do not see any objection, personally, to that. I think we can arrange it.

19. Major CLAUSEN. We want it for observation and study and return to the Bureau.

Mr. BARBER. Yes.

20. Colonel TOULMIN. It is of no use unless we can look at it, Mr. Witness, you know.

Mr. BARBER. Yes, that is true. It would take some time to go through it and study it.

21. Major CLAUSEN. Yes, to study it, to study the related items. Thank you very much. Now, may I have that?

Mr. BARBER. Yes, sir.

22. Major CLAUSEN. Now, I have hastily reviewed this file, and I do not see any wires or communications in here from [3977] Colonel Wyman. Would those things be in this other file that is being air-mailed out?

Mr. BARBER. If Colonel Wyman had made any written inquiries about the case, they would be in the other file. May I make some comment on the FBI report, there?

23. Major CLAUSEN. Yes, sir. I was first staying with the files, and I was going to ask you this question—

Mr. BARBER. All right.

24. Major CLAUSEN. —whether there was anything about this so-called “temporary file” which you have just handed me, that you desire to comment upon? Are some of these notes yours? For example, this list, here; is that yours?

Mr. BARBER. Well, that was made at our previous investigation, by me.

25. Major CLAUSEN. All right, sir. Is there anything else in the file about which you would care to comment?

Mr. BARBER. No. I would be glad to answer any questions, though, that you care to ask.

26. Major CLAUSEN. Do you have personal knowledge of the matters set forth in some of those papers?

Mr. BARBER. I have no personal knowledge; no, sir.

27. Major CLAUSEN. All right.

Now, passing from that to this FBI report, would you care to make some observations?

Mr. BARBER. Yes. I would like to state that at that time it was customary for any agents of the government agencies who came to the office, to interview some of our officers with the file, and I don't personally recall this particular man's [3978] name or his interview with me.

28. Major CLAUSEN. This particular FBI man, you mean?

Mr. BARBER. The FBI man; yes, sir. I assume that that is correct. However, his observation, there, that I had said “flagrant violations,” I believe that would be an adjective that he has placed in there himself. I would merely tell him what the violations were, I am sure; and as to the call from Colonel Wyman, I didn't know whether there were any calls or not, so I couldn't have related there had been calls. I did know, however, from hearsay, that the Army had been interested in expediting the naturalization in this case, and it was our policy of course to do everything to further the war effort.

29. Major CLAUSEN. You thought you were furthering the war effort when this ultimate petition was granted?

Mr. BARBER. Well, you are asking me for an opinion, there. As I told the FBI agent, there, although the Army had asked that the case be expedited, as I understood it, we would go ahead and make

our same investigation that we would make in any case; and there were facts there for the court to consider, that may or may not entitle the man to citizenship; and that, of course, is up to the naturalization court.

30. Major CLAUSEN. By the way, have you concluded your observations on this FBI excerpt?

Mr. BARBER. Yes; I think that is all.

31. Major CLAUSEN. In other words, with those qualifications, it states the facts, so far as they were related to this man?

Mr. BARBER. Yes; I would assume that that is correct. I would naturally have gone through the file, and he would have [3979] asked me questions at the time, and the only information I had would be what I gained from the file. Now, the telephone call that he relates, there, I do not have any recollection of that, and I don't believe that that is correct.

32. Major CLAUSEN. He may have received that information from Mr. Carmichael?

Mr. BARBER. Well, that could be possible.

33. General FRANK. What telephone call is this?

Major CLAUSEN. The statement is made in here "that Colonel Wyman had communicated four or five times during the investigation of this case with William A. Carmichael, former District Director" at Los Angeles.

34. General FRANK. It is not clear in my mind from the evidence there, that Colonel Wyman was conversant with Rohl's alien status back in February or March 1941. Am I to understand that?

35. Major CLAUSEN. It states here, sir:

It should be noted that Colonel Wyman was interviewed on February 20, 1941.

In other words, he was interviewed by the Bureau of Immigration and Naturalization on February 20, 1941, concerning Rohl's application for citizenship; which would indicate to anyone that the man was an alien.

36. General RUSSELL. Are we going to get the man with whom Wyman talked? We are going to have that?

37. General GRUNERT. We are going to have him here—what else do you want?

38. Major CLAUSEN. I do not want anything else, sir. I mean, one thing just leads into another, and so forth.

39. General FRANK. I am the one that wanted that. I wanted [3980] to be sure that I understood, correctly, and to check it, that Wyman was all conversant with this thing back in February.

40. General GRUNERT. He was interviewed on the matter. I understand from that record that he was interviewed.

41. Major CLAUSEN. Yes, sir.

42. General GRUNERT. What the interview consisted of is not stated, there?

43. Major CLAUSEN. No, sir; and that is the paper that I especially wanted.

44. General RUSSELL. However, it is stated, there, what he said. Now, he did not say, in language, that he knew Rohl was an alien, but I think your assumption is sound that if he was talking to him about an application to become a citizen, he had to know.

45. Major CLAUSEN. My next question is whether the Board wishes Mr. Barber, who is so thoroughly conversant with matters, to explain the various steps through which a naturalization goes before it is finally acted upon and granted.

46. General GRUNERT. I think that would be all right, provided it is not an hour's lecture, or anything like that.

47. Major CLAUSEN. Just very briefly, Mr. Barber, would you state the various steps through which Mr. Rohl went, as married to an American citizen, from the time he filed his original application in January 1941 to the ultimate granting of it? I mean the usual routine for those cases.

Mr. BARBER. Yes; I could give you the usual routine. Being married to a citizen, he didn't have to have a declaration of intention, or what is commonly called a "first paper." That exempts him from that. He would then submit a preliminary form of a petition for naturalization, and then the Immigration Service would, first of all, verify his arrival in the United States, because that would be a prerequisite to his naturalization, that he had been admitted for lawful, permanent residence. After that was done, then there would be a check with the police department records, and then he would be called in with two witnesses to testify to his good moral character for the requisite period prescribed by law, and that constitutes the filing of the petition for naturalization.

Then, following the filing of the petition for naturalization, there is another statutory period that they must wait before they can be admitted to citizenship, and during that period, which at that time was 90 days, we would make our examination and investigation. Now, I say "90 days"—I am not sure whether that was under the 30-day or the 90-day. There were two different periods there, and the investigation would include possible neighborhood investigations, or, after interviewing two witnesses, there may be other investigations suggested.

48. General FRANK. This marriage to an American citizen must be a legal marriage, not a common-law marriage, is that correct?

Mr. BARBER. That is correct; and you will note from the temporary file and from the original file that an investigation was made to determine the legality of his marriage.

49. Major CLAUSEN. And then, after this additional investigation that you referred to, which occurred within the 90 days, what are the next steps?

Mr. BARBER. Then the next step is to either place the petition on the ordinary list of petitioners, that go through without any contest, or to place it on the contested calendar. His petition was placed on the contested calendar, where the facts of the case would be given to the court, and the court [3982] would be asked to determine whether or not the man would be eligible to citizenship.

50. Colonel TOULMIN. In open court?

Mr. BARBER. In open court.

51. Colonel TOULMIN. May I ask a question, at this point?

52. Major CLAUSEN. Yes.

53. Colonel TOULMIN. I find a statement in this temporary file which apparently is a statement made to the court, in open court. It starts:

No objection will be made to the granting of this petition. For the information of the Court, however, the results of the investigation made in connection with the case are herewith presented.

Then follows a statement about Rohl and his history in this country.

Do you know, Mr. Witness, as a fact, that such a statement was made to the federal court, in open court, such as appears in this file, consisting of two pages?

Mr. BARBER. I do not know as a fact, in that I was not there at the time. I knew Mr. Tellmer, who handled the case. I knew that it was being handled. I did know that it was on the contested list, from hearsay.

54. Colonel TOULMIN. You believe that statement was made, then?

Mr. BARBER. Yes; and I do know, also, that this statement is filed with the clerk of the court, there.

55. Colonel TOULMIN. And after that statement, the court granted the petition for citizenship?

Mr. BARBER. Yes.

[3983] 56. General GRUNERT. This was what you called a "contested" case, was that the language?

Mr. BARBER. It would be placed on the contested calendar, but where there is a close case, for instance, where a man falsely claims citizenship, and it were outside of the statutory period in which we could bring prosecution, we would ask the court whether in view of that they would desire to grant citizenship. A great many of the courts have denied citizenship, particularly where the false claim was made within the statutory period for naturalization.

57. General GRUNERT. This being on the contested list, does the court look to the Bureau of Immigration to remove the so-called contest by their evidence or their testimony in open court? In other words, this: The information from the Immigration Bureau puts it on that list, doesn't it, or the lack of information?

Mr. BARBER. Yes.

58. General GRUNERT. Now, for the judge to go ahead with that, does new information from the Bureau bring the case up, or what?

Mr. BARBER. No. If I understand your question correctly, these contested calendars come up regularly once a month by rule of court, and if there is any case there that we cannot recommend without having the court review the facts, we bring it on, put it on this contested calendar. In some of those cases we submit the facts with recommendation of granting, so that the court makes the final determination with the facts in mind.

59. General GRUNERT. What I am trying to get at is, did the [3984] Immigration Bureau, because of the request by the War Department to expedite this case, or to consider the case, or whatnot, expedite it? What influence did that have with the Immigration Bureau, to get citizenship for Rohl?

Mr. BARBER. Oh, I understand, now.

60. General GRUNERT. You see what I am getting at?

Mr. BARBER. Yes. It would cause our investigation to be made more expeditiously. However, it did not curtail the usual investigation, but if the Army, or any representative of the Army, made a request that we expedite the naturalization of a person because he was needed, because of certain capabilities—we had many of those—we would do everything in our power to expedite the case at that time.

61. General GRUNERT. But it would not influence you to overlook anything that you should look into in order to decide whether or not a man should be a citizen?

Mr. BARBER. Absolutely not; because our full responsibility was to make that determination.

62. General GRUNERT. All right. Go ahead.

63. Major CLAUSEN. Except that you stated that this was more or less, I believe you said, a sort of border-line case?

Mr. BARBER. Yes; a border-line case. Otherwise, we would have recommended to the court directly that the case be denied.

64. Major CLAUSEN. So, when you have a border-line case, you also have a situation where it is your very definite recollection that the Army was pushing the case from the standpoint of the need of this man in the war effort, is that correct?

Mr. BARBER. Yes. I cannot testify as to this case from personal knowledge, but from reading the case, that is correct, [3985] and that would be the general thing.

65. Major CLAUSEN. And so that would be a consideration to be weighed in the action by your department?

Mr. BARBER. Yes; it would.

66. Major CLAUSEN. That is all.

67. Colonel TOULMIN. Do you know why Mr. Tom Clark, head of the Criminal Division of the Department of Justice, at Washington, has raised the issue, on April 3, 1944, of asking for the main files for investigation? What stimulated him to that, do you know?

Mr. BARBER. I have no idea; no, sir.

[3986] 68. Major CLAUSEN. Sir, I was going to ask you a question as to the next step after you make your investigation. You said something about the judge. This final accumulation of investigation and your petition you presented before the court for action; is that correct?

Mr. BARBER. Yes.

69. Major CLAUSEN. And in this case it was presented to the court at Los Angeles?

Mr. BARBER. Yes, sir.

70. Major CLAUSEN. Do you know, Mr. Barber, whether at that time the court had reported any letters evidencing the desire of the Army or the War Department to expedite or to have granted the application of Mr. Rohl?

Mr. BARBER. No, I do not, sir.

71. Major CLAUSEN. Who would be able to supply the Board with that information?

Mr. BARBER. I imagine the judge himself would give that information.

72. Major CLAUSEN. Were these proceedings taken down in shorthand?

Mr. BARBER. I do not know whether there was a court reporter present, or not. Ordinarily there is a court reporter present.

73. Major CLAUSEN. Did you know that there were attorneys present, Los Angeles lawyers?

Mr. BARBER. Yes, Rohl had his attorney present, and our Mr. Tellner was also present.

74. Major CLAUSEN. Is that a rather unusual thing, for the applicant to have a lawyer there to see that the application is [3987] granted?

Mr. BARBER. No. When it is on the contested calendar, they get more than one, perhaps as many as 60 sometimes, and there may be in those 60 petitions for naturalization several lawyers, and many of the petitioners will not be represented by lawyers.

75. Major CLAUSEN. That is with respect to the contested matters?

Mr. BARBER. That is right.

76. Major CLAUSEN. Now, the court that heard this case, was that court a newly-appointed judge?

Mr. BARBER. I do not know just how new. He is a recently-appointed judge, J. F. T. O'Connor.

77. Major CLAUSEN. I have no further questions.

78. General GRUNERT. Any questions from the Board?

Is there anything else, Mr. Barber, that you think of that you believe might be of value to the Board, that you would like to tell us?

Mr. BARBER. I cannot think of anything offhand; however, if you have any questions further I would be willing to answer them, either as to procedure or with regard to our files.

79. General GRUNERT. We have asked the questions that occur to us, and I wondered whether there was some other subject which you thought might come up or which you think might be of value to the Board, that we have not questioned you about.

Mr. BARBER. As to the letter that may have come from some Army officials to expedite the case, to the judge, I believe the judge would be glad to make it available to you, if there is such a letter. Knowing the judge, I am sure he would.

[3988] 80. General GRUNERT. You mean, the letter that came from the Army to the Immigration Bureau requesting, among other things, that the case be expedited?

Mr. BARBER. No.

81. General GRUNERT. Is that the letter to which you refer?

Mr. BARBER. No, sir, that is not. You asked me whether or not I knew that the judge had received a letter from some Army official. I don't know that there was such a letter, but if there was I would suggest that you communicate direct with Judge O'Connor. I feel certain that he will make that known to you or make it available.

82. Colonel TOULMIN. I would like to ask a question there.

Mr. Barber, do you permit people to take letters out of your official files?

Mr. BARBER. No.

83. Colonel TOULMIN. If papers are missing from your official files what would be your deduction, as to whether it was an authorized or unauthorized act?

Mr. BARBER. That it was taken surreptitiously.

84. Colonel TOULMIN. Do you permit people to see your files who are not official people?

Mr. BARBER. Only government agents.

85. Colonel TOULMIN. Would you permit an Army officer to come and look at a file, particularly if he had written such a letter, to take a look at it?

Mr. BARBER. Yes, I imagine we would.

86. Colonel TOULMIN. And that would be another government agent that would have permission to look at the file?

Mr. BARBER. Yes, sir.

[3989] 87. Colonel TOULMIN. That is all.

88. General GRUNERT. There being no more questions, thank you for coming.

(The witness was excused, with the usual admonition.)

(Thereupon, at 12:35 p. m., the Board, having concluded the hearing of witnesses for the morning, took up the consideration of other business.)

[3990]

AFTERNOON SESSION

(The Board, at 2 o'clock p. m., continued the hearing of witnesses.)
General GRUNERT. The Board will come to order.

TESTIMONY OF W. BRUCE PINE, 320 CAROLWOOD DRIVE, LOS ANGELES, CALIFORNIA—Recalled

1. Colonel WEST. Let the record show that the witness appeared before the Board on a previous occasion; he will not be sworn again, but is reminded that he is still under oath and subject to the cautions previously given him.

2. General GRUNERT. Mr. Pine, I will turn you over to General Frank and Major Clausen for further questioning.

3. Major CLAUSEN. Mr. Pine, the Board from time to time has had before it in the evidence a statement attributed to Colonel Wyman, to the general effect that in the spring of 1942, after an evening of drinking, he stated that while he may have done a great many things throughout his life there was one thing he had not done, and that was to sell out his country in the way that son-of-a-bitch Rohl did, that what he ought to do is to take his service revolver and shoot Rohl and then blow his own brains out. Now, I understand from Mr. Combs, that the source of that information, that is, the information that Wyman made this statement, is you. So would you detail to the Board just how you received that information?

4. General GRUNERT. Before replying, I understand that that is his testimony not before this Board, but elsewhere; is that right?

5. Major CLAUSEN. No, sir, this is in the form of a statement which the general counsel for the House Military Affairs [3991] Committee had.

6. General GRUNERT. That is all I want to know.

Mr. PINE. Yes, I can. From the time of the first draft right on through this recent summer, we were always accustomed, every two weeks, that is, every other week, having boys from the USO over one Sunday evening, and then boys from the officers' club in the Ambassador Hotel over the next Sunday.

7. Major CLAUSEN. Who is "we"?

Mr. PINE. Mrs. Pine and myself, at our home, on Sundays. The only way I could place the date of this at all, because all the information which I had I turned over to Mr. Edward Ferbush, who was the agent in charge of the investigation—

8. Major CLAUSEN. Who is he?

Mr. PINE. He was the agent of the Federal Bureau of Investigation who was then in charge of the current investigation of Hans Rohl.

9. Major CLAUSEN. At what place?

Mr. PINE. In Los Angeles. The reason I place this as being in the spring or early summer of 1943 is that it was after the hearing before the State Committee on Rohl.

10. Major CLAUSEN. You referred to the Tenney hearings?

Mr. PINE. That is right. The Tenney hearings.

11. Major CLAUSEN. Yes.

Mr. PINE. My impression is there were about 200 people there that afternoon, including quite a few civilians.

12. Major CLAUSEN. At your home?

Mr. PINE. Yes, sir. And particularly amongst the civilians, who were all residents of Beverly Hills and all of whom knew of Rohl and had known him over a considerable span of [3992] years, there was a great deal of conversation concerning Rohl's alien status during 1940 and 1941, and at other times, for it was general knowledge that he was participating in large government contracts.

Late in the afternoon, when the crowd had thinned out considerably, there was a young Army Captain who was waiting for his girl, who turned to me and said—this is approximately what he said—that he had known Rohl on the islands, that he was a Lieutenant then—

13. Major CLAUSEN. That was when?

Mr. PINE. When this Captain was a Lieutenant there.—and had thought that he had long since been arrested and that Colonel Wyman had been court-martialed. I told him that Rohl was as free as the air, and, so far as I know, Colonel Wyman was in Edmonton, Canada, in charge of the Alcan Highway of the Canol project.

He assured me that he felt that I was wrong, as he had been present, as I recall it, in front of the Pleasanton Hotel in Honolulu, when Wyman had emerged intoxicated and carrying his service revolver. He said, that Colonel Wyman was incoherent and raged and said that he was going to kill that German son-of-a-bitch who had sold out his country and that Wyman in spite of any misdeeds would finish Rohl and himself.

He further said that Wyman told him he was positive of this, because the F. B. I. had arrested a man in New York with written material which could have only come from his office or Rohl's.

I then asked the Captain if he would have any objection to giving such a statement to the Federal Bureau of Investigation, [3993] who I felt were actively investigating Rohl. He said that he had given one short statement, and an exhaustive one about a month later, to the Office of Military Intelligence in Honolulu, and that the other three officers who were present had all been interviewed, and that the F. B. I. could receive such information through the proper channels if they wanted it.

About this time his girl joined him, and I walked out to the car and asked him his name. Previous to this he had told me that he was on the General Staff in Washington, D. C. When I asked him his name, he laughed, thanked me for my hospitality, said that he had talked too much and he did not want to get in any trouble while he was on a vacation, as I recall it.

As soon as he left I called Edward Ferbush and gave him a brief resume of the Captain's statement. All the officers that day had come from the Ambassador officers' club in the Ambassador Hotel and every man who attended these parties registered. The only Captain or any officer registered from Washington, D. C., was a Captain by the name of Guiter, whose initials I do not recall.

After that, it being completely out of the province of our committee and myself, the matter was, so far as I was concerned, forgotten, until John Wiener, an investigator for the Committee on Military Affairs, came out and sought help on the entire matter. It was at this time that Mr. Combs told them of this incident, and Wiener said that when he got back to Washington he would locate Captain Guiter if it was humanly possible.

14. Major CLAUSEN. Mr. Pine, could you describe this Captain?

Mr. PINE. Well, it is hard for me to describe him. As I [3994] place him, he was about 28 to 30 years old, dark hair, and very tan, almost, you might think, that he was a Spaniard or something like that, like he spent a great deal of time in the sun.

15. Major CLAUSEN. Would you be able to tell the Board what other subjects, if any, you recall you discussed with this Captain?

Mr. PINE. That, so far as I recall, is the first time I remember meeting him during the afternoon. He was standing in a group that had been talking about Rohl.

16. Major CLAUSEN. Was there anything said by him which indicated the branch of the service to which he belonged?

Mr. PINE. He said that he was on the General Staff. Not being in the Army I did not know what he meant.

17. Major CLAUSEN. Do you recall what he said was the ultimate result of the fixed determination, apparently, of Colonel Wyman to go out and finish off Rohl and himself?

Mr. PINE. He said that—I have forgotten now—a week or two later he noticed Colonel Wyman and Rohl together on some occasion, and figured everything had been patched up.

18. Major CLAUSEN. I have no further questions.

19. General RUSSELL. There has been some evidence to the effect that Rohl was a rather heavy spender. Do you know about that, or didn't you testify about that?

Mr. PINE. I did. That is hearsay. I know when Wiener was out here they went into his accounts very thoroughly.

20. General Russell. Do you recall how long back or how early after he came to this country he began to spend money freely?

[3995] Mr. PINE. It was after 1925. In 1927, if my memory serves me, he bought the yacht PANDORA, and then began to bid on large-sized contracts. The yacht PANDORA was a racing sloop, carrying a two-man crew. It was after he married Mrs. Hubert in San Francisco, which was in 1925, that he came to Los Angeles and his prosperity seemed, so far as I could ascertain, almost to date from then.

21. General RUSSELL. This lady whom he married, was she wealthy?

Mr. PINE. I understand from quite reliable information that she was penniless.

22. General RUSSELL. Mr. Pine, the point I am getting at is this: A man does not just blossom out with a lot of money all at once.

Mr. PINE. There has been hearsay evidence that I have known about, but it was only hearsay, and I could never locate the people, that he had inherited money in Germany, had gone over there and received his money and it was with that money that he first started in the contracting business on a large scale. However, I also understand, again only on hearsay, that Tom Connolly said that Rohl had \$180,000 before he ever went to Germany, and he, Connolly, knew that.

23. General RUSSELL. Was Connolly a man of wealth?

Mr. PINE. As I understand, he is a man very well thought of here in San Francisco.

24. General RUSSELL. I mean, is he a wealthy man?

Mr. PINE. I believe he is. In that transcript I think Rohl testified that each put in an equal amount of money for the company's stock in 1932.

[3996] 25. Colonel TOULMIN. I would like to ask Mr. Pine what he knows about the visits of Rohl to Germany. Can you give us a summary of what you know about that?

Mr. PINE. All I know is that I think it was in the year 1924, in November, Rohl went to the consul general here in San Francisco and obtained a German passport. He went to Germany and landed in Hamburg, went to Lubeck, Prussia, then returned to England, remained in England two months, and sailed from the port of Plymouth aboard the S. S. FRANCE.

26. Colonel TOULMIN. Was that the only visit he made to Germany?

Mr. PINE. So far as I have been able to find out, yes.

27. General GRUNERT. Any other questions?

Is there anything else you think of that may be new to the Board?

Mr. PINE. No, sir, I haven't anything.

28. General GRUNERT. Thank you very much for your reappearance.

Mr. PINE. Thank you.

(The witness was excused, with the usual admonition.)

TESTIMONY OF LIEUTENANT COLONEL HOWARD B. NURSE, RETIRED, 729 B STREET, SAN FRANCISCO, CALIFORNIA

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank and present address?

Colonel NURSE. Lieutenant Colonel H. B. Nurse, Retired, 729 B Street, San Francisco.

2. General GRUNERT. Colonel, this particular part of our investigation will be handled by General Frank, assisted by Major Clausen.

[3997] 3. Major CLAUSEN. Colonel Nurse, you were at one time assigned to the Hawaiian Department of the Engineering Corps under Colonel Wyman?

Colonel NURSE. That is right.

4. Major CLAUSEN. That was when?

Colonel NURSE. I reported there on January 6th, 1942.

5. Major CLAUSEN. And at that time your official position was what, sir?

Colonel NURSE. I was on the Military Governor's staff as liaison officer between the District Engineer and the Military Governor's office.

6. Major CLAUSEN. Was your permanent assignment to the Hawaiian Department or to the Engineering Corps?

Colonel NURSE. It was to the Hawaiian Department, I believe.

7. Major CLAUSEN. You continued in that position under Colonel Wyman for how long?

Colonel NURSE. Until he left, which I believe was the middle of March, 1942.

8. Major CLAUSEN. Didn't you say you were under Wyman as his executive officer?

Colonel NURSE. It was later on. I was detailed with the Military Governor's office from the 1st of January to about the middle of February, and then I was made executive officer under Wyman.

9. Major CLAUSEN. And that was specifically, again, during what period that you were executive officer under Colonel Wyman?

Colonel NURSE. About the middle of February to the middle of March, approximately.

[3998] 10. Major CLAUSEN. And then after that time your assignment was what, Colonel?

Colonel NURSE. I remained as executive officer under Colonel Lyman.

11. Major CLAUSEN. Under Colonel Lyman?

Colonel NURSE. Yes, sir. General Lyman, who relieved Colonel Wyman.

12. Major CLAUSEN. Did you at one time, later, head a division known as the Bottleneck Busting Division?

Colonel NURSE. Yes.

13. Major CLAUSEN. And that was when?

Colonel NURSE. January 1st, 1943.

14. Major CLAUSEN. To what time?

Colonel NURSE. Up until I left the islands about the 1st of July.

[3999] 15 Major CLAUSEN. Sir, a previous witness before the Board has suggested that we call you for the purpose of obtaining records which would throw some light on the conduct of affairs under Colonel Wyman. Do you have such records?

Colonel NURSE. Not of Colonel Wyman, no, sir. These records that I have as of when I was with the—head of the bottleneck busting section—was under General Kramer.

16. Major CLAUSEN. I see. All right. That is that.

I do find, however, in your testimony given before Colonel Hunt a reference to some knowledge on your part as to the acquisition of equipment by the Government which was authorized by Colonel Wyman from the Hawaiian Contracting Company. The transaction in question is supposed to have been consummated on or about March 14, 1942. Will you tell the Board what you know about that item?

Colonel NURSE. In 1943, in one of our investigations, we became aware that there was considerable equipment stored in the Hawaiian Contractors' yard that belonged to the Government and never had been removed, and we made a report to General Kramer showing him what we had uncovered there.

17. Major CLAUSEN. Your investigation took place about a year after the equipment had been purchased by the Government?

Colonel NURSE. Yes, sir. This was on January 13, 1943, I reported it to General Kramer.

18. Major CLAUSEN. Well, now, may I ask this general question: whether your investigation indicated that some of this equipment that had been purchased a year previously had never even been moved from the place where it was when it was bought?

[4000] Colonel NURSE. Yes, sir. This states here, this memorandum to General Kramer, that on—this was acquired on the 15th of March, 1942, in the amount of \$147,611.

19. Major CLAUSEN. And do you know what portion of the equipment had not been moved from where it was when it was bought?

Colonel NURSE. I might read this here, which covers the whole situation.

20. Major CLAUSEN. If you would, sir.

Colonel NURSE (reading):

The B. B.'s found stored in the yard—

21. Major CLAUSEN. Who are the B. B.'s?

Colonel NURSE. That is Bottleneck Busters.

22. Major CLAUSEN. All right, sir.

Colonel NURSE (reading):

found stored in the yard of the Hawaiian Contracting Company, a large amount of construction equipment and tools which had been acquired by the U. S. E. D. on 15 March 1942 for \$147,611.00. A good deal of this equipment is apparently in unserviceable condition, though it is felt that much of it could be put back in service or parts stripped for repair of other equipment. Some few items on the original purchase order had been removed and receiving reports are being checked to determine if it was received by the U. S. E. D. The list of equipment remaining includes such items as: automobiles, draglines, buckets, bulldozers, compressors, cranes, [4001] drill machines, finishers, graders, hammers (pile driving), hoists, mixers, pumps, road rollers, scrapers, shovels, spreaders, tractors, trucks, trailers, and also three lighting outfits (new). Apparently the fact that these belonged to the Government was overlooked until the curiosity of a B. B. was aroused through having done some snooping. This information, together with a list of equipment has been turned over to Captain Spencer, who will take immediate action in removing it to his Base Yard.

23. Major CLAUSEN. Now, the matter that you just read is part of an official report that you made to whom?

Colonel NURSE. To General Kramer.

24. Major CLAUSEN. And the date of that report, sir?

Colonel NURSE. January 13, 1943.

25. Major CLAUSEN. And did you verify the accuracy of those statements that you have read to the Board?

Colonel NURSE. Yes, sir.

26. Major CLAUSEN. I think that is all.

27. General FRANK. Do you have reason to believe or to know that after that equipment had been bought it had never been removed from the yard?

Colonel NURSE. Well, I saw it, a great deal of it, myself, and the grass and the weeds were grown up around it so that you couldn't—some of it was hard to find. They just had to go out there and dig it out, send men in there to cut the weeds and grass in order to get some of it out where they could move it.

[4002] 28. General FRANK. Do you know or did you determine whether it ever had been used or not, after the Government bought it?

Colonel NURSE. No, no. I couldn't swear to that.

29. General FRANK. Well, were they extremely short of equipment over there, so that they normally were in need of it and would have used it?

Colonel NURSE. Yes, but a big portion of this equipment was un-serviceable, and I was led to believe that it was remaining in this yard for repair at such time as the Hawaiian Constructors could get around to do the work, but the superintendent there of the Hawaiian Constructors told me that the U. S. E. D. had turned in so much other equipment for repair that he just was bogged down; he never had been able to get at the repair of this equipment that was purchased from them.

30. General RUSSELL. That list that you read to us, Colonel, is rather comprehensive in its nature. It seems to describe almost all types of equipment that was originally sold to the U. S. Government by these Hawaiian Contractors; is that true?

Colonel NURSE. Yes; a great deal of it was the original equipment, I believe, of the Hawaiian Contractors, who are a big organization; and, as I understand it, why, the U. S. E. D. just went in there and took over everything that was in the yard.

31. General RUSSELL. Now, did you determine in that investigation that prior to taking title to this property the Government had had it approved and that the appraisal had been somewhat in detail, and each of these things had been described in that appraisal and a price fixed on them?

[4003] Colonel NURSE. It seems to me that later on I did. I might read this off.

32. General RUSSELL. Does that show how much this equipment, that you were then investigating cost the Government?

Colonel NURSE. It does, although it is a little broader—

33. General FRANK. May I ask just one question: This Hawaiian Company is the Hawaiian Contracting Company, headed up by Mr. Benson?

Colonel NURSE. That's right. (Reading:)

Rented Equipment:

We are taking a terrible ribbing on much of the rented equipment, and, it is recommended a complete review be made of all equipment under rental, to determine whether rental is excessive and if so, action taken to adjust the price. For instance—One (1) '30 Caterpillar Tractor, about sixteen years old, rented from Ralph E. Woolley, under Contract No. W 414-eng-2753, dated January 1, 1942; rental for this tractor has been paid up to September 30, 1942 in the total amount of \$1,915.00. Invoices are now in the Finance Division for \$600.00 rental for October, November and December 1942. This will result in the U. S. E. D. having paid \$2,515.00 in rent for an old tractor with a value of perhaps \$200.00. It is understood this type of tractor has not been manufactured since 1930. This tractor stood idle for at least two months in the Hawaiian Contracting Company's yard. However, repairs were recently made [4004] and the tractor was sent out on the job yesterday. This matter was brought to the attention of Lieutenant Meek and Major Mutzabaugh, with the recommendation that vouchers now in the Finance Division be withheld and the Supply Division attempt to renegotiate this contract on a friendly basis.

The B. B. Division is now checking up on other rented equipment, especially that rented on a monthly basis, with a view to possibly having the various contracts renegotiated or contracts cancelled and new contracts executed. In each case the findings will be reported to Equipment Control and Supply Division for such action they deem necessary.

34. General RUSSELL. Those passages which you have just read, Colonel, while interesting, do not refer to the value of the property

purchased from the Hawaiian Contracting Company which you have testified that was never used.

Colonel NURSE. Yes.

35. General RUSSELL. Now, do you know how much the Government paid for that property that they never used?

Colonel NURSE. I don't remember. I think at the time I did, but I don't.

36. General RUSSELL. Your records don't show it?

Colonel NURSE. Doesn't show it, unless I have some other reports in here that I don't recall. There was an inventory made by our people and turned in to Captain Spencer.

37. General RUSSELL. Just a little while ago you read a list of that equipment which apparently was taken from those inventories.

[4005] Colonel NURSE. Yes, sir.

8. General RUSSELL. But you have no way of telling what its value was?

Colonel NURSE. No.

9. General RUSSELL. Or what the Government paid for it?

Colonel NURSE. No, I don't think I would have.

40. General RUSSELL. All right. That is all.

41. Major CLAUSEN. I, just along this line of the questioning of General Russell, wonder if in the papers that you have before you there, Colonel, you have some further identification of those unused pieces of equipment. In other words, if you had, maybe I could tie that in with the actual inventory and purchase prices. You see, what we would like to do, we would like to find out exactly what the Government paid for the specific items of the unused equipment that you have indicated you found.

Colonel NURSE. No. At the time we went in there I knew and made this inventory which I have no copy of, and it was compared with some record that we found there in the office, the original purchase of this equipment, but I don't remember the values.

42. General RUSSELL. Well, could you give us some idea as to the percentage of the total items purchased that was represented by these items or equipment which have not been moved and used? In other words, was it half of it?

Colonel NURSE. Oh, as I stated in here (indicating), that a small amount of it has been removed.

43. General RUSSELL. A small amount?

Colonel NURSE. A small amount, yes, sir. I don't know [4006] how you would—how you could base it on a percentage basis, because—

44. General FRANK. Do you know what was on the original list?

Colonel NURSE. I saw the original list. I don't recall now what was on that original list, but at the time that we made the inventory I saw the original list.

45. General RUSSELL. Based on that list which you saw representing the items of equipment purchased and the list which you compiled of the unused part of those items, it is now your testimony that the greater part of this property was never used by the Government?

Colonel NURSE. That is my opinion, yes, sir, that it was not used, with the exception of a few items which were unserviceable. Two lighting outfits were brand-new, never had been taken out of the

box, but outside of that I think all the rest of the equipment in the yard, with the exception of a crane they had there that couldn't very well be moved, was unserviceable, and it was held, a good deal of it, with the idea of repairing it, although much of it was antiquated equipment there that—well, there were mule-drawn dump wagons and things of that sort that we never would use in this day and age.

46. General RUSSELL. Then, your testimony now is to the effect, Colonel, that along the lines on which I have recently questioned you or just finished questioning you the answer which you now are giving us is just as accurate as any information that you can give along that line?

Colonel NURSE. I think it is, yes.

[4007] 47. General RUSSELL. That is all I have.

Colonel NURSE. I don't even remember what was paid for this equipment. I think they went in there and just took over the whole yard, everything that was there, good, bad, and indifferent, at a lump sum.

48. Colonel TOULMIN. As a matter of fact, Colonel, it was a bunch of junk, wasn't it?

Colonel NURSE. That that remained in the yard, with the exception of a few items.

49. Colonel TOULMIN. With the exception of the two lighting outfits and the one crane, it was a bunch of junk, wasn't it?

Colonel NURSE. I would tell you that was pretty nearly true.

50. Colonel TOULMIN. Wasn't there a demand for good equipment in the Islands?

Colonel NURSE. Yes, sir.

51. Colonel TOULMIN. And anybody who bought that as a bunch of junk wouldn't be getting anything he could use, would he?

Colonel NURSE. Some of it could be repaired, and I think they had requisitioned parts for the repair of some of the items.

52. Colonel TOULMIN. That had never been done, had it?

Colonel NURSE. They hadn't received parts up to the time I made my investigation.

53. General FRANK. And this was a year after it was bought?

Colonel NURSE. Yes, sir.

54. Colonel TOULMIN. And in the interim of that year there was a great demand for machinery, wasn't there?

Colonel NURSE. There was.

[4008] 55. Colonel TOULMIN. That is all.

56. Major CLAUSEN. That demand was the reason why you investigated this condition, wasn't it?

Colonel NURSE. That is right.

57. Major CLAUSEN. I would like the witness to supply the Board, and give to me first for review to screen it, the report from which he read, and any allied papers; and if you want them back I will return them.

Colonel NURSE. I don't care for them. In fact, you can have this whole file.

58. Major CLAUSEN. Thank you, sir. And then I will look through that.

Colonel NURSE. There are other items here that you are interested in, that Weaver contract.

59. General FRANK. Oh, I would like to ask him a question about that Weaver contract.

Do you have the report there on the Weaver contract?

Colonel NURSE. Yes, sir.

60. General FRANK. Will you give me the salient points in that?

Colonel NURSE. Yes, sir. I might say that when I first became aware of the contract with the Weaver Company I had one of my men make an investigation, and then I went to Colonel Wimer, who was the contract officer, and called his attention to it, and in fact I called his attention to it twice, and no action was taken. I recommended that the contract either be canceled or renegotiated. So then I referred it to General Kramer, and immediately after that, why, they got action on it, but—and I have the copy of my report here to General Kramer [4009] and which, if the Board wants, I can read or I will turn it over.

61. General FRANK. Well, will you state who this man Weaver was before the Government made a contract with him?

Colonel NURSE. I never knew Weaver, but I had heard that he had worked for one of the local automobile companies there in their repair department and that he was new to the business himself and that he had some partner with him that I understand furnished the capital, and this man Weaver had no money himself, but they set up business and immediately after were given this contract.

62. General FRANK. Would you tell about it?

Colonel NURSE (reading):

It was found that there was a contract, No. 414 eng-4530, in existence with Weaver & Company for automotive repair at the rate of \$4.00 per man hour direct labor charge or a minimum payment of \$4,000.00 per month. All supplies, materials and parts to be furnished by the Government. It is believed this rate is exorbitant; it is understood that no such rates are charged elsewhere. The Automotive Service Corporation, Hawaiian Contracting Company and Von Hamm-Young charge from \$2.00 to \$2.50 per man hour with a few instances of \$3.00 per man hour for lathe or electrical work. The contract provides the contractor shall furnish all shop facilities, equipment, labor and supervision, yet it is understood the U. S. E. D. have furnished grinders, drills, taps and dies, welding machines and many other [4010] tools free of charge. Also a 1934 Harley-Davidson motorcycle with sidecar and a 1939 Pontiac sampan bus. This company has been paid approximately \$30,000 to date by the U. S. E. D. and it is understood they have considerable commercial work besides. On April 19, 1942, OPA Ser. Reg. 20 stipulated that contractors entering business after that date must establish their rates in accordance with their competitors and are forbidden to charge rates higher than their competitors. It is understood Weaver & Company went into business in July 1942, therefore, it would appear their rates called for under Contract W 414 eng-4530 is contrary to the OPA order.

Recommendation was made to the Control Officer—

That was Colonel Wimer.

that this contract be canceled and Weaver & Company be called upon to return to the U. S. E. D. the equipment which is government-owned. If the contract is not canceled, then it is believed it should be renegotiated with a revision downward of the rates being charged and the elimination of the guarantee of \$4,000.00 per month.

63. General FRANK. Who was the District Engineer when that contract was let?

Colonel NURSE. It was Lyman. General Lyman.

64. General FRANK. And what subordinate let that contract? Do you remember?

Colonel NURSE. What was that? I didn't understand.

65. General FRANK. What subordinate let the contract?

Colonel NURSE. Colonel Wimer was the contract officer. [4011]

Shortly after I reported this to General Kramer my men ran across a financial statement of the Weaver Company for April 1943, and I had a copy made of it. I showed it to Colonel Wimer, and he said yes, that he knew about it, but he said that it shouldn't have gotten out and that they were adjusting this contract. Some of the items here are:

Salary to the owner, \$1,000 for the month.

Travel and entertainment, \$1,018 for the month.

Legal audit, \$500.

66. Major CLAUSEN. Legal fees, that was?

Colonel NURSE. Legal. Legal audit.

67. General FRANK. Was the Government paying that expense?

Colonel NURSE. Well, that comes out of what they have paid at the rate of \$4 per hour. He lists these expenditures, if you want to see it (indicating).

68. Colonel TOULMIN. Go ahead.

Colonel NURSE. To offset the amount that the Government paid and bring it down so as to show a profit of only \$776.66 for the month.

69. Major CLAUSEN. In other words, these items that you have read were furnished in substantiation of the rental charge as representing amounts that he paid out?

Colonel NURSE. I think that after I reported this to General Kramer, that Colonel Wimer was told to get busy on it, and the first thing apparently he did was ask for a financial statement to determine whether Weaver was making an excessive profit.

70. General FRANK. Do you know what amount he actually paid his mechanics?

[4012] Colonel NURSE. Well, I think it shows there, doesn't it?

71. General FRANK. How much an hour?

72. Colonel TOULMIN. Yes. That is the charge-off (indicating).

Colonel NURSE. No.

73. General FRANK. Do you remember generally from the investigation what he paid them as against the \$4?

Colonel NURSE. My recollection was, he paid a dollar and a quarter and a dollar and a half, but I am not positive.

74. General FRANK. All right. I have nothing further.

75. General GRUNERT. It seems to be a far cry from the phase that led up to or had anything to do with the attack on Pearl Harbor. It is my understanding that all had happened after Pearl Harbor, after the attack on Pearl Harbor? Is that my understanding?

76. General FRANK. Yes.

77. General GRUNERT. Is that true?

Colonel NURSE. That is right, yes, sir.

78. General GRUNERT. And it has no connection, as far as you know of, with anything that pertained to the attack on Pearl Harbor?

Colonel NURSE. Not a thing.

79. General GRUNERT. Is there anything else that you think of that would be of value to the Board in its consideration of the phases that led up to or during the attack on Pearl Harbor?

Colonel NURSE. No, sir. I wasn't there. I didn't get over there until a month afterwards.

80. General GRUNERT. Are there any other questions? (No response.)

Thank you very much, Colonel.

(The witness was excused, with the usual admonition.)

[4013] (Thereupon, at 3:30 p. m., the Board having completed the hearing of witnesses for the day, took up the consideration of other business.)

[4014]

C O N T E N T S

THURSDAY, SEPTEMBER 21, 1944

Testimony of—

Lt. Col. William A. Carmichael, Infantry, Southern Securities Detach-	Page ¹
ment, SCU 1909, Los Angeles, California_____	4015
Mrs. Alice Anstey, 938 East Edgeware Road, Los Angeles, California__	4022

DOCUMENTS

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10/17/40_____	4031
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Summary from G-2 Report, Exhibit No. 61_____	4033
Letter, 9/26/42, to Chief, MIS, G-2, from John S. Gullet_____	4034

EXHIBITS

No. 59. Letter, 8/15/44, Col. Forney to Maj. Clausen_____	4027
60. Letter, 8/14/44, Naval Intelligence to Major Clausen_____	4033
61. Letter, 9/26/42, from G-2, MID, Washington_____	4035

¹ Pages referred to are represented by italic figures enclosed by brackets and indicate pages of original transcript of proceedings.

[4015] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

THURSDAY, SEPTEMBER 21, 1944

PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

The Board, at 11:20 a. m., pursuant to recess on Wednesday, September 20, 1944, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF LT. COL. WILLIAM A. CARMICHAEL, INFANTRY,
SOUTHERN SECURITIES DETACHMENT, SCU 1909, LOS ANGELES,
CALIFORNIA

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel Carmichael, will you please state to the Board your name, rank, organization, and station?

Colonel CARMICHAEL. William A. Carmichael, Lieutenant Colonel, Infantry, Southern Securities Detachment, SCU 1909, Los Angeles, California.

[4016] 2. General GRUNERT. Colonel, General Frank, assisted by Major Clausen, will conduct this particular part of our special investigation.

3. Major CLAUSEN. Sir, you formerly were a director of the Naturalization and Immigration Bureau at Los Angeles?

Colonel CARMICHAEL. I was.

4. Major CLAUSEN. And that was during what period of time, Colonel?

Colonel CARMICHAEL. From February of 1940 until '42, in May 29th, '42.

5. Major CLAUSEN. And you had been with the Naturalization Service at Los Angeles for how long?

Colonel CARMICHAEL. Just during that period. I was transferred there from Cleveland, Ohio.

6. Major CLAUSEN. I see. Now, during your tour at Los Angeles in that capacity, did you become acquainted with the file of Hans Wilhelm Rohl, application for citizenship?

Colonel CARMICHAEL. I did.

7. Major CLAUSEN. And without having that file before you at this moment you are unable to testify with detail and to give exact dates; is that correct?

Colonel CARMICHAEL. That is correct, yes, sir.

8. Major CLAUSEN. And you have now ascertained just a few moments ago that the file which this Board expected and which is the file in question, instead of being sent to San Francisco, has been erroneously sent to Los Angeles; is that correct?

Colonel CARMICHAEL. That is correct, sir.

9. Major CLAUSEN. So that we don't have the file now. We are going to arrange to get that at Los Angeles when we arrive this [4017] afternoon. But in any event, you are able to recall some of the highlights of the case from reviewing this report of the Federal Bureau of Investigation which I showed you, dated April 28, 1943, by Edward A. Furbush; is that correct, sir?

Colonel CARMICHAEL. Yes, sir.

9-A. Major CLAUSEN. Let me invite your attention, then, to this portion. This is on page 9:

Barber added that Colonel Theodore Wyman had communicated four or five times during the investigation of this case with William A. Carmichael, former district director in charge of Immigration and Naturalization Service, and now a Lieutenant Commander—

It should be "Colonel."

in the United States Army, for the purpose of expediting the investigation by describing the necessity of Rohl's services in the construction work which was then under his charge.

Now, you have stated to me, sir, that, rather than Colonel Wyman making these communications to you direct, that communications to that general effect were made by an attorney; is that right?

Colonel CARMICHAEL. That is correct. Mr. Martin, as I recall the name. Mr. Martin.

10. Major CLAUSEN. And do you recall what Mr. Martin told you so far as Colonel Wyman is concerned?

Colonel CARMICHAEL. Only that Colonel Wyman was anxious that the naturalization be expedited because he had Rhol enaged in work in Hawaii, Government work there.

11. Major CLAUSEN. Now, then, I refer to this other portion [4018] of the report on page 9, reading as follows:

It should be noted that Colonel Wyman was interviewed on February 20, 1941, and at that time stated that he first became acquainted with Rohl in California and that his relations with him were purely of a business nature. He had assumed, without any basis, according to the information given by him, that Rohl was a citizen. He had added that he treated the information as hearsay that he had received, indicating Rohl's father was a professor of engineering in a German university and that Rohl was born in Germany.

I am going to ask you, sir, with respect to that, what you recall that you did with the file to ascertain whether Colonel Wyman actually knew these facts.

Colonel CARMICHAEL. Well, when we received the file I sent it to our office in Hawaii for investigation, knowing—

12. Major CLAUSEN. May I interrupt there?

Colonel CARMICHAEL. Yes.

13. Major CLAUSEN. Did this situation strike you as peculiar, and for that reason was the file sent to Honolulu?

Colonel CARMICHAEL. It did strike me as peculiar that an alien should be engaged on secret work for the Government there at that particular time.

14. Major CLAUSEN. So then you did what, Colonel Carmichael?

Colonel CARMICHAEL. So I sent the file to our office in Hawaii for investigation locally.

15. General RUSSELL. May I interrupt there for just one question?

16. Major CLAUSEN. Yes, sir.

[4019] General RUSSELL. About when, Colonel, was that record or file sent out there?

Colonel CARMICHAEL. Well, I don't know as I can recall the exact dates. The file will show when it was sent there.

18. General RUSSELL. To the best of your recollection?

Colonel CARMICHAEL. Very shortly after his application was filed.

19. General RUSSELL. And his application was filed when?

Colonel CARMICHAEL. I think, in the summer of '41.

20. Major CLAUSEN. The record shows. Do you want the actual information?

21. General RUSSELL. No. That is all.

22. Major CLAUSEN. All right, sir.

Colonel CARMICHAEL. I felt that if Colonel Wyman did not know that he was an alien, that that was a very good way to bring it to his attention, and it was for that reason I sent it there.

23. General FRANK. And this was about when?

24. Major CLAUSEN. Well, the information that I have—do you want me to disclose the information?

25. General RUSSELL. Yes, if you could.

26. Major CLAUSEN. The application, sir, was filed in January '41. The report of the F. B. I. agent states that this interview which followed the action of Colonel Carmichael occurred on February 20, 1941, sir.

27. General FRANK. Where?

28. Major CLAUSEN. At Honolulu.

As I understand it, you sent the file to Honolulu and requested what action, Colonel?

[4020] Colonel CARMICHAEL. Investigation locally, which would bring it automatically to the attention of Colonel Wyman.

29. Major CLAUSEN. And was there any particular person in Honolulu to whom that was sent?

Colonel CARMICHAEL. Yes; the district director of Immigration and Naturalization. I mean our file.

30. Major CLAUSEN. Would it strike you as peculiar, sir, if I was to inform you that the district director stated he had no record of that action by you?

Colonel CARMICHAEL. It would.

31. Major CLAUSEN. The file eventually came back to you, did it, Colonel?

Colonel CARMICHAEL. It did.

32. Major CLAUSEN. And when the file was returned, do you recall now, without having recourse to the file, what was indicated, whether this investigation and the knowledge of the fact of Rohl's alienage and his background had been brought to the attention of Colonel Wyman?

Colonel CARMICHAEL. I do not recall what we had on it. I don't recall. The file will show in that respect.

33. Major CLAUSEN. Do you recall who the person was at Honolulu who actually interviewed Colonel Wyman?

Colonel CARMICHAEL. I do not.

34. Major CLAUSEN. And would the file indicate that?

Colonel CARMICHAEL. My memory on it is that there was nothing indicating an interview with Colonel Wyman. I don't think the file reflected that, but it did reflect that they had contacted someone in the Army there. Whether or not Colonel Wyman was interviewed, I can't say. In fact, my [4021] memory would indicate that he was not.

35. Major CLAUSEN. Was not interviewed?

Colonel CARMICHAEL. As per the file.

36. Major CLAUSEN. You mean from the file?

Colonel CARMICHAEL. From the file.

37. Major CLAUSEN. And would you know the basis for this statement by the agent Furbush of the F. B. I.: "It should be noted that Colonel Wyman was interviewed on February 20, 1941"? Do you know where he would have received that information, sir?

Colonel CARMICHAEL. I do not. He might have obtained it from the file. I say it has been three years since I have seen that file, and a great many things have happened since that time, so—

38. Major CLAUSEN. I have no further questions.

39. General FRANK. Do you remember who was the district director in Honolulu to whom this went?

Colonel CARMICHAEL. I know him but I can't recall his name at the moment. He is in Washington now, in the Washington office.

40. General GRUNERT. Any questions? General Russell?

41. General RUSSELL. No.

42. General GRUNERT. Are there any other questions?

(No response.)

Do you think of anything else that you can tell us about this matter?

Colonel CARMICHAEL. No, sir.

43. General GRUNERT. All right. Thank you very much.

(The witness was excused, with the usual admonition)

[4022] **TESTIMONY OF MRS. ALICE ANSTEY, 938 EAST EDGEWARE ROAD, LOS ANGELES, CALIFORNIA**

(The witness was sworn by the Assistant Recorder and advised of her rights under Article of War 24.)

1. Major CLAUSEN. Would you state your name, please?

Mrs. ANSTEY. Mrs. Alice Anstey.

2. Major CLAUSEN. And your address?

Mrs. ANSTEY. 938 East Edgeware Road, instead of Edgemoor; w-a-r-e.

3. Major CLAUSEN. And you are employed where, Mrs. Anstey?

Mrs. ANSTEY. At the Hotel Biltmore.

4. Major CLAUSEN. And in what capacity?

Mrs. ANSTEY. Maid.

5. Major CLAUSEN. You have been for what period of time?

Mrs. ANSTEY. 15 years.

6. Major CLAUSEN. During that time did you happen to see a party by the name of Hans Wilhelm Rohl?

Mrs. ANSTEY. Yes, sir.

7. Major CLAUSEN. And did you also see a party by the name of Colonel Theodore Wyman, Jr.?

Mrs. ANSTEY. Yes, sir.

8. Major CLAUSEN. Now, during the course of the work that you did at the Biltmore Hotel did you have occasion to see this man Rohl and Colonel Wyman in their rooms at the hotel?

Mrs. ANSTEY. Yes, sir; Apartment Z.

9. Major CLAUSEN. Apartment?

Mrs. ANSTEY. Apartment Z.

10. Major CLAUSEN. And on what floor was that?

Mrs. ANSTEY. Ninth.

11. Major CLAUSEN. Did you ever see any liquor in these rooms?

[4023] Mrs. ANSTEY. Yes, sir; plenty of it.

12. Major CLAUSEN. What is that?

Mrs. ANSTEY. Plenty of it.

13. Major CLAUSEN. Did you ever see Mr. Rohl or Colonel Wyman in an intoxicated condition?

Mrs. ANSTEY. Yes, sir. At one party in Apartment Z I saw Mr. Wyman intoxicated, but I have seen Mr. Rohl intoxicated many times.

14. Major CLAUSEN. Well, on this occasion that you saw Colonel Wyman, would you tell the Board the basis for your conclusion that he was intoxicated?

Mrs. ANSTEY. Well, he was—drank heavy and was eating a sort of—as a drunk man will when he's eating, sort of—didn't—

15. General FRANK. Drooped over the table?

Mrs. ANSTEY. Pardon?

16. General FRANK. Drooped over the table, as indicated by your gesture?

Mr. ANSTEY. Yes, sir.

17. Major CLAUSEN. And on this one special occasion that you refer to were there any other people brought into the place or that went in?

Mrs. ANSTEY. Girls.

18. Major CLAUSEN. What is that?

Mrs. ANSTEY. Young girls.

19. Major CLAUSEN. How many, Mrs. Anstey?

Mrs. ANSTEY. Well, I imagine—I am not—I would say positively on that, but it seemed to me there was about twenty girls going in and out. You see, I didn't see the entire table, and I wasn't allowed in the little dinette that is here.

[4024] 20. Major CLAUSEN. And this occurred about what time at night that you saw these things?

Mrs. ANSTEY. Well, that was around about 8:30.

21. Major CLAUSEN. You were on duty during what hours?

Mrs. ANSTEY. Well, I came on at that time at 5 o'clock in the afternoon and worked until about 10:30.

22. Major CLAUSEN. And do you know about when this occurred, Mrs. Anstey?

Mrs. ANSTEY. Well, that dinner party was around about 9:30.

23. Major CLAUSEN. And the particular——

Mrs. ANSTEY. The dates I don't particularly remember, because at that time I had no reason to know that I would ever be asked about it.

24. Major CLAUSEN. The approximate year? Could you give us that?

Mrs. ANSTEY. Well, I imagine that was about 1940. It was not long after I came to work on that floor. I had worked on the lower floors prior to that time.

25. Major CLAUSEN. What did these girls look like that were there?

Mrs. ANSTEY. They looked like a cheap type of girl, bleached-hair type, and just like girls that would be down on Main Street of Los Angeles.

26. Major CLAUSEN. Did you ever see Colonel Wyman and Mr. Rohl on other occasions when they had drinking parties of the same kind?

Mrs. ANSTEY. I didn't see Mr. Wyman at any other time, but I have seen Mr. Rohl on another drinking party, but it was [4025] just himself and another young lady at that time.

27. Major CLAUSEN. Do you know what occurred on these parties? Did you ever see these——

Mrs. ANSTEY. Well, at that time I had—I went to the bedrooms to give clean towels, and the beds were pushed together, and they were very badly used. There was lipstick and cigarette butts, bobby pins, hair pins, and stuff thrown all over, liquor glasses with lipstick on them.

28. Major CLAUSEN. Did you ever see Colonel Wyman on this occasion?

Mrs. ANSTEY. No, I did not see Colonel Wyman. I saw Colonel Wyman in the halls once after this party that I named.

29. Major CLAUSEN. You mean after this occasion?

Mrs. ANSTEY. Yes, and he was perfectly sober at that time.

30. Major CLAUSEN. Did you ever see any undue familiarity, on this occasion that you referred to, between Colonel Wyman and any of these girls?

Mrs. ANSTEY. Well, any more than he would have his arms around them, set on their lap, or that is, they set on his lap.

31. Major CLAUSEN. I think that is all.

32. General GRUNERT. Do you know who gave this dinner party?

Mrs. ANSTEY. I understood it was Colonel Wyman.

33. General GRUNERT. Did you actually see him take a drink or drinks?

Mrs. ANSTEY. No, I didn't see him take the drink. I saw the drinks in there and the drinks in front of him and in his glass.

34. General GRUNERT. When he drooped over the table do you know whether or not he may have been ill or tired, or did you [4026] just assume he was drunk?

Mrs. ANSTEY. No; he was drunk, to what the waiter said to me, that he was drunk, and he looked drunk to me.

35. General GRUNERT. Did you only see him at the table, or did you see him attempt to get up and move about?

Mrs. ANSTEY. Yes, I saw him get up.

36. General GRUNERT. And that indicated that he was intoxicated?

Mrs. ANSTEY. He was; yes, sir.

37. General GRUNERT. You saw him just on this one occasion?

Mrs. ANSTEY. Yes, sir; in that party.

38. General GRUNERT. And on no other occasion?

Mrs. ANSTEY. At no other party than that occasion, but I saw Mr. Rohl afterwards.

39. General GRUNERT. Are these questions? General Russell? Colonel Toulmin?

40. Colonel TOULMIN. No, sir.

41. Colonel WEST. No.

42. General GRUNERT. Do you think of anything else that you would like to tell the Board?

Mrs. ANSTEY. No, sir. That's about all.

43. Colonel TOULMIN. I might ask her one question, General.

Did you see Colonel Wyman at any other time when there were no parties going on?

Mrs. ANSTEY. Just in the hall one time.

44. Colonel TOULMIN. In the hall?

Mrs. ANSTEY. Yes. And I think he was looking for Apartment Q. Mr. Rohl was there.

Colonel TOULMIN. I see. And Rohl was in that hotel at [4027] that time?

Mrs. ANSTEY. Yes, in Apartment Q. Yes, sir.

46. Colonel TOULMIN. That is all.

47. Major CLAUSEN. These times that you saw him in the hall, can you give us about when that was, over what period that extended?

Mrs. ANSTEY. I imagine that was in around about just before Pearl Harbor.

48. Major CLAUSEN. You are not able to tell us certainly?

Mrs. ANSTEY. No, sir. You know, when we work in the hotel we don't remember dates. We see so many of those parties that I have really tried to forget them.

49. Major CLAUSEN. Yes.

50. General GRUNERT. Well, thank you very much for coming.

Mrs. ANSTEY. You are entirely welcome.

(The witness was excused, with the usual admonition.)

51. Major CLAUSEN. At this time we offer in evidence, as the exhibit next in order, a communication to myself, Pearl Harbor Board, dated 15 August 1944, from Colonel L. R. Forney, General Staff Corps, Military Intelligence Division, Washington, of a photostatic copy of a letter which he received from the Federal Bureau of Investigation when he requested information relating to the mission of this Board.

(Letter dated August 15, 1944, to Major Clausen, Pearl Harbor Board, from Colonel L. R. Forney, with enclosures, was marked Exhibit No. 59 and received in evidence.)

52. Major CLAUSEN. This letter indicates possibly the connection with our mission to this effect: that as of December [4028] 1940 there was a file in the Federal Bureau of Investigation which was to the effect that Hans Wilhelm Rohl was possibly an agent of the German government and in any event was guilty of subversive activities, and which letter could have been obtained by anyone who desired to investigate the loyalty of Mr. Rohl.

I shall read that letter.

53. General GRUNERT. It is my understanding that he was under suspicion, and the Board knows nothing as to whether or not those suspicions were well grounded.

54. Major CLAUSEN. That is correct, sir. This is offered with particular emphasis on the fact that there was suspicion directed against him of subversive activities as of July 1940. Whether these suspicions were well founded has not been fully proved.

I shall first state that the letter is apparently printed in ink. In the upper right-hand corner it says, "Received. Office of the Attorney General. July 13, 1940." Then, received by the Federal Bureau of Investigation July 17, 1940, and this is the letter:

(Letter, Enright to Early, July 8, 1940, is as follows:)

SAN DIEGO, CALIFORNIA, July 8, 1940.

STEPHEN EARLY, Esq.,

Office of the President,

Washington, D. C.

Dear Mr. EARLY: I fully realize what a hideous offense it is to make a charge against a person if the charge is false, or, if one would inculcate for personal gain, or, solely, to harass the accused. That is why I am writing you, so that an investigation, (should you see fit to make one) [4029] can be made with the least danger of causing the accused an injury, if he be innocent. (If a leopard ever changes his spots.)

This person that I herewith accuse, is now a rich general contractor in Los Angeles County; twenty-three years ago he and I worked together on the south bank of the Bear River; fifty-five miles north of Sacramento, California. We became very confidential. I knew him, then, to be an under cover agent of the Imperial German Government.

Shortly after our Government (U. S. A.) entered the First World's War, the accused made a dash for Mexico so full of goose pimples that he looked like a boy with the measles; so wet with cold sweat: as if someone held a sprinkling pot over him full of ice water. For years I forgot about the accused.

Now comes a fellow workman who was on the same job twenty-three years ago. This workman went to France: Com. M. 110th Inf.; this veteran knows more about the accused than I do. The veteran comes to me propelled by the fact that the accused now has large contracts in the harbor of our western metropolis.

The veteran joins in with me in making this accusation.

To get to the man that I knew twenty-three years ago, one would have to have power, to tear off three different veneers: fraternal, social, and financial.

May I tell you that I was born in Virginia [4030] City, Nevada, fifty-nine years ago.

I place my life and my honor at the service of country.

Respectfully and sincerely,

/s/ WILLIAM HENRY ENRIGHT.

Postal Address.

7232 Amherst St.,

San Diego, California.

And attached is the name:

Bill Rohl of Rohl & Connelly, General Contractors, Los Angeles, Calif.

Next I have a memorandum for the Army Pearl Harbor Board dated—

55. Colonel TOULMIN. Just a minute. You haven't stated how you got that letter yet.

56. Major CLAUSEN. I stated, sir, that it was supplied to me by Colonel Forney, who had requested information from the F. B. I. relating to our mission, from the Federal Bureau of Investigation.

57. Colonel TOULMIN. That is satisfactory.

58. General FRANK. And who is Colonel Forney?

59. Major CLAUSEN. Well, as I stated, he is Colonel, General Staff Corps. Military Intelligence Division, G-2, Washington, D. C.

And I have here a communication in the form of a memorandum for the Army Pearl Harbor Board, dated 14 August 1944, from the

Division of Naval Intelligence, by Wallace S. Wharton, Captain, U. S. N. R., together with a copy of the O. N. I. card dated 2 October 1940, Subject: Hans Wilhelm Rohl; also the copy of [4031] 11th Naval District N. I. S. report dated 17 October 1940; copy of 11th Naval District report dated 5 March 1941.

I particularly wish to invite the attention of the Board to the O. N. I. card, which would indicate that as of October 1940, if anyone had inquired, there would be a basis for suspecting subversive activities of Hans Wilhelm Rohl. I shall read the copy of the O. N. I. card, 2 October 1940:

(Copy of O. N. I. card, 2 October 1940, is as follows:)

ROHL, H. W.

ONI

Information from R. L. McCrea, C. P. A., 5451 Marathon St., Los Angeles, Calif., that subject has obtained all important contracts to construct San Pedro breakwater; that the subject keeps a yacht which was constructed in Germany and maintains a full German crew aboard; that subject and his crew are well informed concerning Naval activities; that subject is "a hard-boiled character" and informant believes he and his crew would stop at nothing to accomplish purpose. Conduct appropriate investigation.

ND-11-12

2 October, 1940.

Investigation report, which I offer in evidence, and I shall read the comment and recommendations only, is dated October 17, 1940, as follows:

(Comment and recommendations from N. I. S. investigation report dated October 17, 1940, are as follows:

1. Reporting officer has known subject and Matthies since 1926.
- [4032] 2. The vessel is manned by 9 U. S. citizens and 1 Norwegian national, a sailor named Harold Hartvigsen.
3. Subject and his wife are persons of refinement. At the present time the vessel is only used to carry owner's family and week-end guests to Santa Catalina Isd.
4. Informant R. L. McCrea is a dissatisfied ex-employee.

(Excerpts from N. I. S. report dated March 5, 1941, are as follows:)

60. Major CLAUSEN. Then, the other report by United States Naval Intelligence Service:

Subject: Rohl.

Report made at: Los Angeles, March 5, 1941, by Lieutenant A. A. Thomas, U. S. N. R.

Period covered: March 4, 1941. Status of case: Closed.

Origin of case: Originated from C. A. Emerick, Customs Agent in Charge, Los Angeles, California.

"Synopsis: Subject, German born and resident of U. S. for 25 years, is part owner in firm known as Hawaiian Constructors engaged in confidential construction work for U. S. Army in Hawaii. Also owner of yacht 'VEGA' having radio telephone Station KLVC under FCC license. Part of Subject's business in wife's name.

"Comment and recommendations:

"Comment: Inspector Dunn believes subject to [4033] have been dishonest in his actions and that his actions indicate possible subversive activity.

"Recommendation: In view of the fact that three other agencies of the U. S. are investigating subject it is recommended that this office desist from further action.

"Approved: B. L. Canaga, Captain, USN (Ret.)"

And attached to that is the report of 5 March 1941.

(Letter dated 14 August 1944, to Major Clausen, Army Pearl Harbor Board, from Navy Department, Division of Naval Intelligence, Counter Intelligence Branch, by Captain Wharton, together with enclosures, was marked Exhibit No. 60 and received in evidence.)

61. Major CLAUSEN. I also at this time offer in evidence a letter which I received from the G-2, Military Intelligence Division, Washington, D. C., a form of a cross reference sheet, index concerning Colonel Theodore Wyman; subject: Corps of Engineers Operations in Canada (Canol Project); from: military attache of Canada. The summary is as follows:

(Summary from G-2 report, excerpt from exhibit No. 61, is as follows:)

"Enclosed are copies of letters addressed to American Minister by Dept. of External Affairs, Canada which are more or less self-explanatory and serve to indicate the manner in which the US Army Canol Project in Canada is being conducted by Col. Wyman; Canadian Govt. may see fit to request recall of Col. Wyman; by Disposition Form dated 11-10-42 to Operations Division.

The only letter that bears on the subject in this [4034] particular file is as follows: dated September 26, 1942:

(Letter dated September 26, 1942, to Chief, MIS, G-2, War Department, Washington, D. C., from John S. Gullett, excerpt from exhibit No. 61, is as follows:)

Subject: Corps of Engineers Operations in Canada (Canol Project).

To: Chief, MIS, G-2 War Department, Washington.

1. Enclosed are copies of letters addressed to the American Minister, Mr. Moffat, by the Department of External Affairs, Canada. These letters are more or less self-explanatory and serve to indicate the manner in which the United States Army Canol Project in Canada is being conducted by its representative, Colonel Theodore Wyman, C. E.

2. Unofficially Canadian Offices have reported more than once of the high-handed manner in which Colonel Wyman has conducted himself in Canada. And, during the visit of Mr. Moffat and the undersigned to the Canadian Northwest different people including high officers of the Royal Canadian Mounted Police spoke disparagingly of this officer. This is indeed unfortunate. Unless something is done to correct this situation it is the opinion of this office that the Canadian Government may see fit to request the recall of Colonel Wyman.

3. The contents of the enclosures were communicated to the State Department by Mr. Moffat.

4. This communication is forwarded in the belief that it is a serious concern of the War Department and [4035] of particular interest to your office.

Signed "John S. Gullett, Colonel, G. S. C., Military Attache."

General FRANK. What is the date of that?

Major CLAUSEN. September 26, 1942, sir.

With that are two enclosures: letters of September 22, 1942, and September 17, 1942, but which are not in this file, sir.

That is all I have.

62. Colonel TOULMIN. What became of those letters?

63. Major CLAUSEN. That is what I would like to find out.

I offer these documents as exhibits in addition to what I have read, and I suggest the first group of documents be offered as exhibit next in order.

The next group of documents, as exhibit next in order, and the memorandum and the letter which I have read last, concerning Canada, as the next in order.

(Letter, cross reference sheet dated September 26, 1942, from G-2, Military Intelligence Division, Washington, D. C., with letter attached, was marked Exhibit No. 61 and received in evidence.)

64. General GRUNERT. Whereupon the Board proceeds to other business.

(Whereupon, at 11:55 a. m., the Board, having concluded the hearing of witnesses for the day, proceeded to other business.)

[4036]

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[4037] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

TUESDAY, SEPTEMBER 26, 1944

PENTAGON BUILDING,
Washington, D. C.

The Board, at 10:30 a. m., pursuant to recess on Thursday, September 21, 1944, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

1. General GRUNERT. The Board will come to order.

TESTIMONY OF THE HONORABLE HENRY L. STIMSON, SECRETARY
OF WAR

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

2. Colonel WEST. Mr. Secretary, will you please state to the Board your name and address.

Mr. STIMSON. My name is Henry L. Stimson. My present address is in Washington, D. C. My home address is in Huntington, Long Island, New York.

3. General GRUNERT. Mr. Secretary, the Board appreciates your giving us this time out of your busy schedule, and, in order to refresh your memory, I will give you a bit of the Board's background.

The order convening this Board states, in part:

[4038] Pursuant to the provisions of Public Law 339, 78th Congress, approved 13 June 1944, a Board of officers is hereby convened to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on 7 December 1941, and to make such recommendations as it may deem proper.

Since the existence of the Board is based on the Public Law referred to, the Board made a study of congressional hearings thereon, and as a result deemed it part of its duties to go into the War Department background and viewpoints prior to and leading up to the Pearl Harbor attack. In consequence, the Board drew up a list of subjects on which it desires to question the Secretary.

The large field to be covered by the Board in the limited time available made it advisable to assign objectives or phases of inquiry to individual members, although the entire Board will pass upon all

objectives or phases. General Russell was assigned to this particular phase, so he will lead in propounding the questions, and other members will assist in developing them.

Mr. STIMSON. Yes, sir; I understand that.

I received from the Board a list of questions which I have made the basis of my study in preparing to meet you gentlemen here today.

4. General GRUNERT. Then possibly it would be better for us to proceed by General Russell taking those subjects one by one, until we finish with those subjects, and then if there are any additional subjects or questions to be asked, we can bring them in at the end.

[4039] Mr. STIMSON. Yes. That would be perfectly satisfactory to me. Before you started, I wanted to just make this preliminary statement to you.

Of course this is the statute under which we are all acting, and the second section of that statute provides as follows:

The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in section 1 above, and to commence such proceedings against such persons as the facts may justify.

That means that after you have finished this investigation and the report, the results will have to be used by me in performing what I might call a quasi-judicial duty, namely, of ascertaining what proceedings the facts may justify, and commencing those proceedings; in other words, I am somewhat in the position, roughly speaking, of a district attorney in his relations with the grand jury.

5. General GRUNERT. Yes, I understand that.

Mr. STIMSON. And, by becoming a witness, I have to "watch my step" very carefully that I do not get into a position of advocacy or bias towards any person who may afterwards be proceeded against or concerned with the action which your report may recommend. And at first I wondered whether I could properly appear at all on account of that dual position, but I made up my mind that you were entitled to all the facts that I could give you, and that there were probably facts which I knew which were not yet discovered by you, though I have not been through your hearings, naturally, and so I decided to go ahead and help you as far as I can in producing facts; but when [4040] it comes to making inferences from those facts and giving you my opinions or conclusions, now, I think I will have to hold that back until I proceed on the whole record, after you have made your report, so that I will be in a position which is not open to criticism.

6. General GRUNERT. I think the Board understands your position, Mr. Secretary; and if the Board should ask any such leading questions, here, in your judgment, we will just skip them.

Mr. STIMSON. Well, thank you very much; that would help me.

7. General GRUNERT. Has the Secretary prepared a statement that he would rather read or explain, or should we go ahead with the agenda, here?

Mr. STIMSON. No; I have prepared what I have to say in the form of proposed answers or notes, really—notes to the questions which you sent me; so I am prepared to take them up in that order.

I had not quite finished what I wanted to say. I wanted to say that in making this statement I do not wish to be in any way interpreted as even suggesting that you should not examine me and ask me

any questions bearing on my own conduct that you may see fit. That is open to you absolutely, but I only do not want to answer questions which might affect adversely the other people who would be afterwards possibly involved.

8. General GRUNERT. I think the Board thoroughly understands that.

Mr. STIMSON. All right.

9. General GRUNERT. And the Board is not a bit timid!

Mr. STIMSON. Well, I should be very sorry if any board that I had appointed in such an important case as this went ahead [4041] timidly. That isn't the way to go ahead.

10. General GRUNERT. I will ask General Russell to lead.

11. General RUSSELL. Mr. Secretary, the memorandum which we sent you on August 3 was prepared, of course, at the inception of this investigation. Since that time there has been a lot of evidence adduced and much documentary data considered, and all of this has affected our thinking; and it might come to pass that this statement is not so up-to-date now as we thought it was when it was prepared. However, as suggested by you to the President of the Board, I think we can follow it with substantial results.

The first subject that was listed here is that of the "War Councils." By the "War Councils" we meant the meetings that were held by the Secretary of State, possibly the Secretary of War, the Secretary of the Navy, the Chief of Staff, and the Chief of Naval Operations, from time to time, to discuss the relations between the Japanese Empire and the American Government. Did you attend those meetings, Mr. Secretary?

Mr. STIMSON. Would you mind my giving a precise definition of what regular organization we had developed here, that would come out in respect to "war councils"?

12. General RUSSELL. I wish you would.

Mr. STIMSON. The name "War Council" is the name of a statutory body which was created in, I think, the National Defense Law of about 1920; but it was purely a War Department board. It did not have any members from the Navy or from any other department in it.

13. General RUSSELL. I might interject that we borrowed this term, "War Council," from the Secretary of State's book, [4042] "Peace and War," and it may not be an appropriate term. For that reason, I was attempting to describe what we were thinking about.

Mr. STIMSON. That is the reason I wanted to give you, right now, at the beginning, exactly such organization as we did have.

The War Council was in effect and used to meet, usually on Wednesdays, in the times that we are talking over, but it consisted solely of myself, my assistants, civil assistants, and the Chief of Staff and such other officers as I invited in; and it had nothing to do with the Navy or matters outside of this Department. But we did have two sets of meetings—they can hardly be dignified by the term "organization"—but early, very soon after Mr. Knox and I came into the Government in 1940, we decided that we ought to meet regularly, and we ought to meet with the Secretary of State; we were approaching important matters; and so we went to the Secretary of State and asked him if he had any objection to meeting with us once a week. He agreed cordially, and accordingly we began meeting on Tuesday

mornings at 9:30 every week, whenever we were present in Washington, or able to come, and those series of meetings went on until Mr. Knox died; they lasted right through.

They were perfectly informal and unofficial meetings, but they were very regular, and we met once a week regularly; and during the time at which you are about to inquire, just before Pearl Harbor, we had extra meetings. In fact we were in such a meeting on the Sunday morning that the Japanese attacked. The meetings took place in the State Department, Mr. Hull's office, [4043] and during that time the Secretary of State, the Secretary of the Navy, and myself were in constant contact.

The other set of meetings were meetings called by the President, which he usually called with great regularity—the Secretary of State, the Secretary of War, the Secretary of the Navy, the Chief of Staff—that was, of course, General Marshall—the Chief of Naval Operations, who was at that time Admiral Stark; and sometimes, General Arnold. Well, that was also improvised, so to speak; it had no custom before it. It was created in the light of the approaching emergency, and among ourselves, as a nickname we called it the “War Cabinet,” or the “War Council,” or something like that; and evidently Mr. Hull, from what you say, used that expression in his White Paper.

There was no regular day set for the meetings of that body. They met on the call of the President, at his office; and during this time about which you particularly ask, the autumn of 1941, they were meeting very frequently, also; and, fortunately, I have records. I have kept records during the time that I am here, in which I have set down very briefly, and without much reference to good English sometimes, what was taking place, including everything that was important, that I deemed to be important, in regard to the crisis that was coming along; and including these meetings; so that I am in a position where I can give you dates of these meetings pretty fully.

14. General RUSSELL. How frequently were the President's meetings held, would you think?

Mr. STIMSON. Well, I can tell you. I will give them all that came within the time that you speak of, but there was no regular day for them, they came at different days; and during the two or three weeks before Pearl Harbor there were a number [4044] of those meetings; I cannot give you off-hand how many, but I have got them all enumerated in my answer when you come to that question.

15. General RUSSELL. Mr. Secretary, as a result of these two sets of meetings that you have referred to, were you kept in touch with the negotiations between the Japanese Empire and the American Government?

Mr. STIMSON. Yes; I was.

16. General RUSSELL. Do you think you were fully advised and that you knew all of the details of those negotiations, and the trend of the negotiations?

Mr. STIMSON. I think I knew it as fully as anybody in the Government.

17. General RUSSELL. Were those negotiations, or the things that transpired at these meetings, communicated to the Chief of Staff of the Army?

Mr. STIMSON. They were.

18. General RUSSELL. He was as thoroughly familiar with those details as you were, and with the trend in the negotiation?

Mr. STIMSON. I believe so. Now, let me tell you, there, we were then in the old Munition building; and the old Munition building in that respect was built just as our present quarters are. The Chief of Staff had his room right through a door like that, in the old building, and we were in very constant touch every day—every day. We had no intermediaries between us; we went back and forth through that door; and whenever I received any information from the meetings which I attended, and at which he was not present, which was of importance to the conduct of military operations or other things, I talked it over with [4045] him and told him. Of course, he was at the head of the staff, and he was my channel to getting things to the military staff of the United States Army.

19. General RUSSELL. Were any restrictions imposed on you as to the information which you might convey to General Marshall as head of the armed forces?

Mr. STIMSON. No. You mean, by whom?

20. General RUSSELL. By the request of the Secretary of State or the direction of the President of the United States.

Mr. STIMSON. Oh, none, whatever! none, whatever!

21. General RUSSELL. Now, in these meetings that we are discussing, which occurred late in the fall of 1941, did you consider the inevitability of war with Japan and its imminence?

Mr. STIMSON. We did; and I am prepared to give you in detail on that question. I suppose that is question 4, that you have, here.

22. General RUSSELL. As a matter of fact, it is question 5, on a list of subjects. Question 4 related to restrictions, and you have just testified there were no restrictions.

Mr. STIMSON. In my order, that was touching question 3. I mean I am taking it from the list that was sent me some time ago.

23. General RUSSELL. Possibly I missed my number. Well, suppose you answer question 4. That will probably be my question 5.

General GRUNERT. May I suggest that if the Secretary has anything additional on any question he add it before we go to another subject.

24. General RUSSELL. Yes.

[4046] 25. General GRUNERT. So that we get all that you have.

Mr. STIMSON. Well, I think that would be the most advisable way.

26. General GRUNERT. Unless you wish to submit that statement to us.

Mr. STIMSON. I have put it in question-and-answer form.

27. General GRUNERT. Then if you will see that we get all that you have, there, that will be fine.

Mr. STIMSON. And also, as I say, I was prepared to elaborate on certain things.

28. General GRUNERT. All right.

Mr. STIMSON. As an opening, General Russell, to that, I just might remind you—you must have been told by other witnesses—that all through that year 1941 we were engaged in what was literally a desperate effort to reenforce and fortify all our outposts, not only our Pacific outposts but the outposts which we had obtained in the Atlantic. Our production was not yet in full effect at all. It was very scanty. It was just beginning; and of course, there was a tremendous need, beyond what we could give at that time.

You will also remember that for many years after the treaty of 1921 relating to the Pacific, we were under a treaty obligation not to fortify the Philippines and not to fortify a number of our outposts in the Pacific, and that obligation was carried out loyally by this Government. That did not apply of course to Hawaii, but it did apply to Guam, and I do not remember whether it applied to Midway or Wake. It applied certainly to the Philippines and to Guam and to our outposts in the Far East. Under those conditions, the [4047] fortifications of those outposts had fallen very much behind the times; and our attention was directed to trying to keep that out and to bring them up as far as possible, and to also bring up the big, time-honored ring of outposts which has been our Pacific bulwark, beginning at Panama, running up to Hawaii, and then running up to Alaska; and in each case it was always a question of "more beggars than we had alms to give"—very much.

Well, all through that, there was a large number of meetings between Mr. Hull, Mr. Knox, and myself. As I have told you, they were scheduled regularly for Tuesdays; but in October, November, and December there were frequent conversations, in addition to those meetings.

My records show now, to be specific, that I had meetings with Secretary Hull on October 6 and on October 28; and with Secretary Hull and with Secretary Knox, on November 25 and December 7. They also show conferences with the President, the Secretary of State, and the Secretary of the Navy, together with Admiral Stark and General Marshal, on November 25 and November 28; and they show another meeting when Mr. Hull was sick, with Under Secretary Welles and Secretary Knox and the President, on December 2.

In addition to that there were telephone calls on this subject between me and Secretary Hull, on October 28, November 4, 10th, 24th, and 25th; twice on the 26th, November 26th; twice on November 27; on November 28, and on December 6.

It shows that I conferred with Secretary Knox on October 7th, 21st, 23rd, 24th, and on November 18th, 27th, 28th, and 30th. Those were meetings with Mr. Knox.

There were also frequent telephone conversations with him. [4048] The reason why there were more meetings with Mr. Knox during that time than with Mr. Hull was that Mr. Hull was ill, as I remember it, a little period during November and possibly October, but Mr. Knox and I went on with our meetings.

Now, during all of this period, the subject of the discussions was very largely concerned with the Japanese situation. I have refreshed my recollection by a study of the contemporaneous memoranda which I made at that time; and when I say "contemporaneous," they were made either in the evening or the early morning of the day following. I had a Dictaphone at my house on which I dictated them, and my secretary used to come to my house, and I can give you in that way perhaps more vividly than I could possibly give you from my unaided memory.

29. General RUSSELL. It is my suggestion, Mr. Secretary, that you just, since you have a memorandum prepared in question-and-answer

form, go through with it, and we will listen in, and if there is anything to be supplied, we can do that afterwards.

Mr. STIMSON. All right; thank you. I agree that that, I think, would be the most satisfactory way of doing it, for you, certainly.

[4049] The first one of those records that I have made a note of now—of course, they went back through the whole time ever since I came to Washington, but the first one—you asked for were those in November and December, and I have just confined myself to those. The first one was on November 5, 1941, where I made this entry:

Matters are crystallizing on both sides of us now, and the Navy is meeting with big losses in the Atlantic—

That was in the convoy work.

and Japan is sending somebody to us who I think will bring us a proposal impossible of acceptance. I spent part of the morning reading secret reports on the latter matters.

Now, I will say here simply that I had the same information that General Marshall told you, off the record, that he had in regard to such matter. I would rather not make any further record of it.

November 6th: I had about an hour's talk with the President. We talked about the Far Eastern situation and the approaching conference with the messenger who is coming from Japan. The President outlined what he thought he might say.

The messenger who was coming, you remember, was the one who came to join Nomura.

November 7, 1941: At cabinet meeting—

Now, it is the general cabinet meeting.

there was a general discussion of the problem in the Far East.

[4050] Of course, we didn't go into the military situation very much, because those were not discussed in the general cabinet, but it was a general discussion of the problem.

November 10, 1941:—

This was at a statutory war council meeting in the Department, only the members of my own staff present.

General Marshall read a long letter from General MacArthur in the Philippines telling us of the progress of the reorganization of the Philippine Army and the construction of airports throughout the Islands.

November 21, 1941: I talked to the President about the danger of poison gas in the Philippines. We have learned that the Japanese have used it on the Chinese at Ichang.

On November 24, 1941, I had a talk with General Ohmsted, whom I recently promoted to be the Chief Signal Officer.

That was important on the subject that I will tell you later of, in answer to a later question: the use of the air warning service, which, as you know, was a radar operation.

November 25, 1941:—

This is a long one.

At 9:30 Knox and I met in Hull's office for our meeting of three. Hull showed us the proposal for a three months' truce which he was going to lay before the Japanese today or tomorrow. It adequately safeguarded all our interests, I thought, as we read it, but I don't think that there is any chance of the Japanese accepting it because it was so drastic.

[4051] Then we had a long talk over the general situation there, which I remember.

We were an hour and a half with Hull, and then I went back to the Department, and I got hold of Marshall. Then at twelve o'clock I went to the White House where we were until nearly half past one.

That's an hour and a half.

At the meeting were Hull, Knox, Marshall, Stark, and myself. There the President brought up the relations with the Japanese. He brought up the event that we were likely to be attacked perhaps as soon as—perhaps next Monday, for the Japs are notorious for making an attack without warning, and the question was what we should do. We conferred on the general problem.

When I got back to the Department I found news from G-2 that a Japanese expedition had started. Five divisions had come down from Shantung and Shansi to Shanghai, and there they had embarked on ships, thirty, forty, or fifty ships, and have been sighted south of Formosa. I at once called up Hull and told him about it and sent copies to him and to the President of the message.

Of this message that I am speaking of from G-2.

That is the end of the notes on November 25th.

The following day, November 26:

Hull told me over the telephone this morning that he had about made up his mind not to make the proposition that Knox and I passed on the other day—

[4052] That means yesterday.

to the Japanese, but to kick the whole thing over and to tell them that he had no other proposition at all. A few minutes later I talked to the President over the telephone, and I asked him whether he had received the paper which I had sent him over last night, about the Japanese having started a new expedition from Shanghai down towards Indo-China. He told me that he had not yet seen it. I told him that it was a fact that had come to me through G-2, and I at once got another copy of the paper which I had sent him last night, and sent it over to him by special messenger.

That was the 26th.

November 27. As you know, this was a very important day.

November 27, 1941: News is coming in of a concentration and movement south by the Japanese of a large expeditionary force moving south from Shanghai and evidently headed towards Indo-China, with the possibility of going to the Philippines or to Burma or to the Burma Road or to the Dutch East Indies, but probably a concentration to move over into Thailand and to hold a position from which they can attack Singapore when the moment arrives.

The first thing in the morning I called up Hull to find out what his finale—

I put in here, but I mean it was his final decision.

what his final decision had been with the Japanese—whether he had handed them the new [4053] proposal which we passed on two or three days ago or whether, as he suggested yesterday, he had broken the whole matter off. He told me now he had broken the whole matter off. As he put it, "I have washed my hands of it, and it is now in the hands of you and Knox, the Army and Navy".

30. General RUSSELL. Mr. Secretary, I don't like to disturb you, but I have become a little confused on dates, about this telephone call. Was that on the 26th or—

Mr. STIMSON. This was the 27th.

31. General RUSSELL. 27th.

Mr. STIMSON. The day after the 26th.

32. General RUSSELL. Yes, sir.

Mr. STIMSON. The 26th was the day he told me he was in doubt whether he would go on with it.

33. General RUSSELL. Yes.

Mr. STIMSON. Or whether he would break it off; and on the morning of the 27th, by telephone, he told me that he decided to break it off.

I then called up the President and talked with him about it. General Arnold came in—

This is to my office.

General Arnold came in to present the orders for the movement of two of our biggest planes out from San Francisco and across the Mandated Islands to Manila. There is a concentration going on by the Japanese in the Mandated Islands, and these planes can fly high over them and beyond the reach of their pursuit planes [4054] and take photographs.

This is all the 27th.

Knox and Admiral Stark came over and conferred with me and General Gerow.

He was the Chief of the War Plans Division at that time, corresponding to the present Chief of Operations.

Marshall is down at the maneuvers today.

That was the maneuvers in North Carolina.

A draft memorandum—

These next three lines are not from my own memorandum, but from what appears from another paper:

A draft memorandum from General Marshall and Admiral Stark to the President was examined, and the question of the need for further time was discussed.

That appears in the memorandum which is already in evidence, by General Gerow, to General Marshall, the memorandum of November 27.

34. General RUSSELL. The joint statement is in evidence, not where the Secretary suggested, but General Marshall put it in evidence. We are acquainted with the joint statement.

Mr. STIMSON. Are you acquainted with it?

35. General RUSSELL. Yes.

Mr. STIMSON. I just want to be sure.

36. General RUSSELL. Yes, sir.

Mr. STIMSON. Because it governed the—it helped—explains the next sentence. Now I begin with my own record:

I said that I was glad to have time, but I did not want it at the cost of humility on the part of the United States or of reopening the thing, which would [4055] show a weakness on our part.

And I go on:

But the main question at this meeting—

The meeting of Knox, Stark, Gerow, and myself.

was over the message that we shall send to MacArthur. We have already sent him a quasi-alert or the first signal for an alert; and now, on talking with the President this morning over the telephone, I suggested and he approved the idea that we should send the final alert, namely, that he—

That was the recipient.

should be on the qui vive for any attack, and telling him how the situation was.

Now, to understand what I was talking about, an earlier alert, I am not sure which one I meant, but we had sent a message which would

meet with the description, on November 24th, a joint Army and Navy message, but we had also sent warnings back as far as July 7, July 25, October 16, and October 20, which contained warnings to the members of the—commanders of the outposts as to the situation that was going on with Japan.

Now I go back to my narrative:

So Gerow and Stark and I went over the proposed message to him—

That is, I was talking about MacArthur especially, but we were sending the messages to four people, not only MacArthur, but Hawaii, Panama, and Alaska.

[4056] So Gerow and Stark and I went over the proposed message to him from Marshall very carefully, finally got it into shape, and with the help of a telephone talk I had with Hull I got the exact statement from him of what the situation was.

That is the situation between him and the Japanese envoys.

Now let me have the message, that message which I have been referring to here.

The thing that I was anxious to do was to be sure that we represented with correctness and accuracy what the situation was between the two governments, and this part I got from Hull, as I said, by telephone, to be sure I was right. You see, that message opens with these sentences:

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibilities that the Japanese Government might come back and offer to continue. Japanese future action unpredictable but hostile action possible at any moment.

That was what I was interested in getting out at the time, because that had been a decision which I had heard from the President, as I have just read, and I had gotten the exact details of the situation between the State Department and the envoys from Mr. Hull; and, as I pointed out here, the purpose in my mind, as I quote my talk with the President, was to send a final alert, namely, that the man should be on the qui vive for any attack, and telling him how the situation was here.

That was why I was in this matter. Marshall was away. I had had a decision from the President on that subject, and I regarded it as my business to do what I of course normally do: [4057] to see that the message as sent was framed in accordance with the facts.

I speak there in the words of the message to MacArthur, but there four messages sent out that are in evidence, and you will see the message to Hawaii carries the annotation on the back of it, which is very extraordinary, "Shown to the Secretary of War," and after they had drafted it. And we were covering the situation in the four great outposts of the Pacific.

37. General GRUNERT. Has the Secretary finished regarding that message?

Mr. STIMSON. No. I have regarding that message, yes. I am just going over to the next, to the following day.

38. General GRUNERT. I would like to ask whether you saw the rest of that message and whether you prepared the rest of the message or approved what was in that message.

Mr. STIMSON. Oh, yes; this message that I have just read a portion of to you, I went over very carefully the whole message.

39. General GRUNERT. Yes.

Mr. STIMSON. Because the part that I read you was merely the part which I have consulted Mr. Hull about.

40. General GRUNERT. We have that message in evidence.

Mr. STIMSON. Yes.

41. General GRUNERT. And lots of testimony about it.

Mr. STIMSON. Yes.

42. General GRUNERT. All I wanted to know was whether you were actually acquainted with the rest of the contents of that message.

[4058] Mr. STIMSON. I was.

43. General GRUNERT. Yes.

Mr. STIMSON. And I saw it after it was finally drawn, as was shown by the memorandum there.

44. General RUSSELL. Mr. Secretary, before you go away from that message, which we have considered and are considering rather seriously: When General Gerow came to your office that morning did he have a rough draft of that message?

Mr. STIMSON. I can't remember that, sir.

45. General RUSSELL. In his testimony before the Roberts Commission he stated, relative to the first sentence of the message, that initially the first sentence was to the effect that negotiations had terminated; that, confirming your report now, you called the Secretary of State, who suggested this other language: to all intents and purposes it had been terminated, with only a slight possibility of their being resumed.

Mr. STIMSON. Yes.

46. General RUSSELL. That is the language which appears in the actual message.

Mr. STIMSON. That they might come back and offer to continue.

47. General RUSSELL. And offer to continue. Now, what do you think Mr. Hull meant by his statement that they might come back and offer to continue: the effect of their coming back and offering to continue negotiations? What effect on the situation do you think the re-opening of negotiations would have had?

Mr. STIMSON. That is a matter of conclusion which I [4059] rather hate to draw, but you can tell from your—if you have before you the record of those negotiations, I think it perhaps wouldn't be improper for me to say that it would have amounted to a surrender on the part of Japan of the position that she had been taking up to that point.

48. General RUSSELL. We have studied some the records of those negotiations, and it appears—

Mr. STIMSON. Well, I don't want to substitute my opinion of it for what the messages will speak for themselves.

49. General RUSSELL. Yes.

Mr. STIMSON. Or the course of the negotiations will speak for themselves.

50. General RUSSELL. Well, to be perfectly frank about the line of questioning that I am doing at the moment, it appears from the record that the Japanese people did come back on the 1st, 2nd, and 5th of December, following November 27, and did continue to discuss possible adjustments of the situation in the Pacific; and the thinking that I have been doing personally is whether or not the return of the

Japanese, the continuation of the negotiations, and the publicity which was given to those continued negotiations had the effect of weakening the message of November 27th which went to the four commanders.

Mr. STIMSON. No message went out relating to those further coming-backs, if they occurred, that I know of.

Is there any message at all in the file there?

(There was colloquy off the record.)

Mr. STIMSON. I never heard of any.

51. General GRUNERT. It was mentioned in the press, though.

Mr. STIMSON. Well, we weren't running the war on the press.

[4060] 52. General RUSSELL. Well, let us delimit that question a little more: What effect on the thinking of the Chief of Staff—strike that.

What effect on the thinking of the Secretary of War did the Japanese reappearance and re-entering the negotiations have as to the imminence of war?

Mr. STIMSON. I can only answer that as to the Secretary of War.

53. General RUSSELL. I struck the "Chief of Staff" out and substituted "the Secretary of War."

Mr. STIMSON. So far as I was concerned it didn't affect me at all. To the best of my recollection, my position remained unchanged in any way by anything that I heard, from the position that I took on the 27th of November.

54. General RUSSELL. Do you recall discussing those further negotiations with Secretary Hull?

Mr. STIMSON. No. The only thing that occurred that came to me about those was on the very morning of December 7th itself, when we were in Mr. Hull's office and he was awaiting the return of the envoys who had asked for that appointment; and, as my record here shows, back—where is that? Oh, yes; here it is. It is a little in advance of my story.

55. General RUSSELL. I don't want to confuse the story.

Mr. STIMSON. Yes.

56. General RUSSELL. But I was attempting to question you on it.

Mr. STIMSON. On December 7, 1941, Knox and I arranged a conference with Hull at ten-thirty, and we talked the whole matter over.

[4061] Hull is very certain that the Japs are planning some deviltry, and we are all wondering where the blow will strike.

Now, that was our attitude so far as—it is borne out by the contemporaneous memorandum from the time that I have been talking about, in November 27th.

57. General RUSSELL. May I ask a few questions now about these statements that the Secretary has just made relative to your conversations with the Secretary of State on or about the 26th and 27th of November? But first, do you remember when General Marshall first saw this message of November 27th which went out to these four commanders?

Mr. STIMSON. Well, he will have to testify to you on that. He was there the following day after that, and I have no doubt, from annotations that I have seen of his on other papers that day, that he saw the message.

58. General FRANK. This message, Mr. Secretary, in the last part of it, calls for, "Report measures taken." Did you follow through on this message?

Mr. STIMSON. No.

59. General FRANK. You left that to——

Mr. STIMSON. That was a staff matter that I left to the staff. I did see the message that came back from MacArthur and the message that came back from General Short, as shown simply by my annotation.

60. General FRANK. Yes.

Mr. STIMSON. It it wasn't for that annotation there, I wouldn't have any memory of it at all.

[4062] 61. General FRANK. You didn't take the same interest in the reply as you did in the preparation of the original message?

Mr. STIMSON. It wasn't my matter, any more than any other message was. It was my duty to get through the President's direction in regard to that first one in accurate form, and in General Marshall's absence I was the messenger, so to speak, from the President.

62. General GRUNERT. Did you see the replies from General DeWitt and General Andrews, Panama and West Coast?

Mr. STIMSON. No, I have no recollection of seeing them at all. I have no recollection of seeing any of them except that on the two that I mentioned there are my initials.

63. General GRUNERT. It did not occur to you, then, the vast difference between the measures taken by MacArthur and those taken by Short?

Mr. STIMSON. It did not. If—well, I don't want to get into "ifs" if I can avoid it; but I am perfectly certain of this: that there was no idea put into my mind that the direct order to make a reconnaissance which was contained in the letter of November 27 had been disobeyed or hadn't been carried out, if it was.

64. General GRUNERT. You had no means of knowing what he had to obey the order with?

Mr. STIMSON. Yes, I have, and I am going to give something on that.

65. General RUSSELL. There has been evidence to the effect that the statement in the November 27th message that it is desired, in substance——

Mr. STIMSON. May I just make myself clear?

[4063] In other words, if I were to speculate at all, I would say this: that owing to the fact that there is no record made in any of my daily memoranda that I was making at home of things that were important—there was no record made of having seen either of these return messages, and the only thing that the message that came from Hawaii could have meant to me under those circumstances, as I believe them, would be that sabotage was put on in addition to what we told him directly to do.

66. General RUSSELL. What did you tell him directly to do, Mr. Secretary?

Mr. STIMSON. Make a reconnaissance.

67. General RUSSELL. Have you the minutes?

Mr. STIMSON. Yes, right here:

Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary.

68. General RUSSELL. Reconnaissance that you might deem necessary. Do you regard that as a direct order to carry out reconnaissance?

Mr. STIMSON. Well, I am not going to go into that. The message speaks for itself. That is what I regarded it.

[4064] 69. General RUSSELL. And you told General Grunert that you did have evidence as to the means the Commanding General of the Hawaiian Department had for making reconnaissance?

Mr. STIMSON. Yes, I have, now. I think, since we are on that, I will go back to the letter, now. It is quite a story—I mean, in length—but it is pertinent to this. You have asked me about a letter that the Secretary of the Navy wrote in the preceding January.

70. General RUSSELL. Yes, sir.

Mr. STIMSON. January 24, 1941; and the answer that I made, on February 7, 1941. Now, at about that time my records show that I was taking up very vigorously—you asked me what follow-up measures I took, or were taken—the answer to that is that I was taking up a long series of steps that were connected with the use of radar in picking up attacks from the air. There is a memorandum of a record for instance dated February 15, 1941, which is just a week after my reply to Knox, of an interview that I had in my room with the Chief of the Signal Corps and my assistant for air, Mr. Lovett, in regard to various types of radar and radio equipment which we were trying to get manufactured. I remember, now, though the record does not go into it; I remember that interview very clearly.

General Chaney, who was then in command of the air defense of the United States, had brought that up and was very anxious to get this material, and the meeting was called to discuss it. He was present, as well as the then Chief of the Signal Corps, and the result was a very discouraging report from the Chief of the Signal Corps as to the length of time that it would take to get such equipment.

[4065] As I remember it, and as the memorandum indicates, he thought it would take from six to nine months. Well, I regarded that as an emergency, and I began taking the matter up with all the vigor that I could put into it, in an emergency situation, to see if there were other ways of getting equipment than to wait for the manufacture of our own, and whether we could not hurry up the manufacture of our own. It is a long story, but radar became one of the matters which I took under my own wing in order to expedite equipment. As it happened, I was in touch with scientists whom I knew very well. It is not necessary to go into detail—they were connected with the Government in this operation, in this work of developing radar, and I was in close touch with them.

Through them, I learned of the alleged fact, as they told me, that Great Britain had been saved in the so-called "Battle of Britain," by having an air warning system around its cliffs—a matter which we had never heard of before—operated by radar, which gave them warning as soon as the attacking planes of Germany, perhaps fifty miles away, rose in the air, and gave time for their own intercepting planes to take the air and meet them without being constantly in the air, to the great cost of wear and tear on manpower and oil. Well, that was a situation that was manifestly of great importance to anybody who was in the likelihood of being attacked by air in an insular position like Hawaii and like portions of our coast. It was one of the things which Mr. Knox in his letter of July 24 had specifically referred to—the danger of an attack by air or by torpedo planes. However, in that letter, there—

[4066] 71. General GRUNERT. Was that the July letter?

Mr. STIMSON. The January letter. What I was doing was beginning, then. When Mr. Knox enumerates the dangers, he says:

The dangers envisaged in the order of their importance and probability are to be considered to be:

(1) Air bombing attack

(2) Air torpedo plane attack.

And my effort was to try to bring into our service this new weapon which had been evolved by the scientists and had been brought into operation by the British, and which had not been publicized by them. I got acquainted with it, only through scientific friends. I will not go any further into it, except to give you certain cardinal facts. In April I got a new special assistant, Mr. Bundy, who came in to help me, then.

72. General FRANK. This is 1941?

Mr. STIMSON. This is 1941. And I turned over to him, among other duties, the specific duty of following this equipment of radar, and from that time he was my alter ego about it; and without going into too great length, it resulted in great developments in our Army, and in our air defense. I mention it only to show you how important we thought it was.

Well, we got some equipment, finally, the best we could get, and had it sent to Hawaii; and I want to put in evidence this report which I had about it, which came in on November 19, of a maneuver that they had had out there to test it—November 19, 1941, some more than two weeks before the Pearl [4067] Harbor attack. The enclosure is a memorandum to Mr. Bundy, my special assistant; subject, "Performance of SCR-270," which was one of the radar instruments to detect approaching airplanes.

1. There is attached a copy of a memorandum from the Department Signal Officer of the Hawaiian Department, relative to the operation of radio set SCR-270, in the Hawaiian Islands, which is forwarded for your information.

EUGENE V. ELDER,
Lt. Colonel Signal Corps.

And this is a copy of the memorandum which came in; and that was dated November 14, still earlier; memorandum for Colonel Colton, Chief of the Matériel Branch, and signed by C. A. Powell, Lieutenant Colonel of the Signal Corps, Department Signal Officer, of the Hawaiian Department:

In recent exercises held in the Hawaiian Department, the operation of the radio set SCR-270 was found to be very satisfactory. This exercise was started at approximately 4:30 in the morning, and with three radio sets in operation. We noted when the planes took off from the airplane carrier—

which was used in the maneuver.

We noted when the planes took off from the airplane carrier, in the oscilloscope. We determined this distance to be approximately eighty miles, due to the fact that the planes would circle around awaiting assemblage of the remainder from the carrier. As soon as the planes were [4068] established, they proceeded towards Hawaii. This was very easily determined, and within six minutes the pursuit aircraft were notified, and they took off and intercepted incoming bombers at approximately 30 miles from Pearl Harbor. It was a very interesting exercise. All the general officers present were highly pleased with the proceedings of the radio direction-finding sets and the personnel associated with the information centers. We have had very little trouble with the operations of these sets. When the fixed stations are installed in the higher mountains surrounding Hawaii, we expect to have as good an air warning

system available for us as is now operating for the British in that tight little island, as their situation is approximately the same as ours is in Hawaii.

73. General GRUNERT. For your information, Mr. Secretary, we have that letter. We have also had the author as a witness.

Mr. STIMSON. Oh, if you had told me that!

74. General GRUNERT. No, that is all right. We would like to have it in your part of the testimony.

Mr. STIMSON. It came to me and was a reassurance to me of a long line of effort that I had been making for some four or five months before.

75. General GRUNERT. I think it is a good thing that you put it in evidence where you did, to connect the story.

Mr. STIMSON. Well, that connects that.

76. General GRUNERT. If I might go back to what I had in mind as to the means that the Commanding General of the Hawaiian Department had, to add to his reconnaissance, I had in mind more the means in the line of aircraft to take up additional [4069] reconnaissance far out at sea with a view to protecting himself. Do you know what state the department was in, as far as the so-called "long-distance reconnaissance" was concerned?

Mr. STIMSON. Well, I only know by hearsay, and of course it was in my talks with General Marshall and General Arnold almost every day, how we should make the best use of the very small number of planes that we had. But I had nothing to do with it except to get reports.

77. General GRUNERT. I understand that. We have considerable testimony all around, and I just wanted to see if there was anything that you might add.

Mr. STIMSON. I just wanted to get before you the things that I happened to take up specifically. The Secretary of War normally does not, unless he is a very mistaken gentleman, meddle with the ordinary military operations of his staff.

78. General GRUNERT. I am glad you got that in the record, because I wondered, when your letter was written and you sent a copy to the Commanding General, why you did that personally. It was just a passing thought in my mind why that was done personally.

Mr. STIMSON. Normally, I would not have known of the letter or have seen it. I wouldn't have seen it, at all. But the President had taken a momentous decision that day. That was to send what I called in my record a "final alert," one which would put our outposts on the *qui vive*; I think I used the French term, there; and the Navy, as you know, sent out a simultaneous message to the Navy, and they said, "Consider this a war warning." And then Marshall was away, and I entered into that, as I have tried to explain many times before, [4070] for those two reasons.

79. General GRUNERT. I would like to develop a few more points about that message that we call the "Chief of Staff's message" of November 27; but I do not want to take it out of your hands, General Russell.

80. General RUSSELL. Go ahead.

81. General GRUNERT. Do you want to ask any more questions?

82. General RUSSELL. No.

83. General GRUNERT. The point is this. The phrase is used—

Prior to hostile Japanese action, you are directed to undertake such reconnaissance and other measures as you deem necessary, but these measures should be carried out so as not, repeat not, to alarm the civil population or disclose intent.

Was there any idea, in the framer's mind, that that curtailed the action that the Commanding General might take, or in any way weakened the directive to take action?

Mr. STIMSON. There was not, in my mind; but the message speaks for itself, and it must be however considered in the light of the circumstances surrounding that, and also the character of the reconnaissance which could have been made.

You must bear in mind the fact that the reconnaissance by radar—which is altogether now the most important way of getting reconnaissance of coming airplanes—was a thing that was done from either a single hidden outpost or a single mobile wagon that carried the thing around.

84. General GRUNERT. Then you had in mind more, a reconnaissance, as you call it, by radar, rather than a reconnaissance by [4071] air?

Mr. STIMSON. I had no limitation.

85. General GRUNERT. No limitation?

Mr. STIMSON. I had no limitation. I didn't know, myself, what the different methods of reconnaissance between the Army and the Navy would be, except I did know that we had given these radar sets for Hawaii's defense. I either had heard or I had assumed that of course the Navy would play a large part in the reconnaissance of Hawaii, because in the first place they were the ships that were being protected, and in the next place they had the mobility to make outer reconnaissance. I have heard a good deal about the difference between inner and outer reconnaissance since; I didn't know it at that time; it was not my job.

86. General GRUNERT. Have we exhausted this particular subject?

87. General RUSSELL. Who was the author of the part of the message of November 27 that I will now read:

Report measures taken. Should hostilities occur, you will carry out tasks assigned in Rainbow Five as far as they pertain to Japan. Limit dissemination of this highly secret information to minimum essential officers.

Do you recall who inserted that language in that message?

Mr. STIMSON. Well, I know I did not; but I knew what it meant, and I knew that it was there. I did not draft this. I was present while four gentlemen were discussing what ought to be sent, and when the drafts began to be made I took an active part in the first two opening sentences that I read you, in order to be sure that they corresponded to what I knew, and [4072] what they didn't know; but the rest of the message, to me, was merely the carrying out by the staff of a matter which they had been told to do, owing to the President's decision.

88. General RUSSELL. Did you, when this message went out, on November 27, envisage an attack out there by aircraft from Japanese carriers?

Mr. STIMSON. Well, I envisaged it as one of the possibilities. Certainly it was in Mr. Knox's letter that came in the preceding January.

89. General RUSSELL. Then you were not surprised at the air attack on the 7th of December?

Mr. STIMSON. Well, I was not surprised, in one sense, in any attack that would be made; but I was watching, with considerably more care, because I knew more about it, the attack that was framing up in the southwestern Pacific. And I knew also that there was a concentration in the mandated islands—I know now, because the fact is that General Arnold showed me a proposed message for a photographic reconnaissance; so that that was an additional threat, and that might fall on either Hawaii or Panama.

90. General GRUNERT. Do you know whether or not this message about the task force assumed to be assembling in the mandated islands was transmitted, or whether that information was transmitted, to the outposts, especially Hawaii?

Mr. STIMSON. Oh, I am sure it was; but don't the papers show it? I really do not know.

91. General GRUNERT. Do you consider that that information or that such information was necessary to an outpost?

Mr. STIMSON. How?

[4073] 92. General GRUNERT. How much information should a commander have, outside of the direct information that bears on what he is charged with? In other words, how much of any exchanges of information that may have taken place here between the State and the War and the Navy Departments should be transmitted to an outpost?

Mr. STIMSON. General, I think my opinion is of very little weight on that. Don't you think it would be more important to ask General Marshall?

93. General GRUNERT. We hope to.

Mr. STIMSON. Yes. I mean, I am the civilian head of the War Department, and you are asking me questions on a highly important military matter.

94. General GRUNERT. I just encourage you to say, "I would rather not answer that," if you wish.

Mr. STIMSON. Frankly, I don't know what happened in all those details. I didn't meddle with what were military staff matters, barring, when I was conveying a message from the President, and barring when I was taking up a new weapon like radar, which the average soldier didn't know anything about, and which I did.

95. General GRUNERT. I see.

96. General FRANK. Mr. Secretary, you have given us the whole series of meetings from October 6 on up through or to November 27th, which uncovered a continuing development of a critical situation; and this message of November 27 is the high-light message, I assume, that was to indicate to the Commander in Hawaii this critical situation?

[4074] Mr. STIMSON. Yes. Of course, I knew even at that meeting that another message was going out from the Navy to their commander.

97. General FRANK. Yes.

Mr. STIMSON. And I know now from looking at the message that the Navy was directed to give that message to the Army; but I am not

sure that I knew then, any more than that Admiral Stark was present at the meeting, and that he was going to warn the Navy.

98. General FRANK. You were interested in the first two sentences of this message?

Mr. STIMSON. That is what I was interested in; and I was interested in the fact that I have quoted from my talk with the President, that there should be given a warning which was a final warning of a real war danger.

99. General FRANK. Did it ever occur to you, when that message went out, that the part of the message following the first two sentences might have had some effect in minimizing its critical nature to the recipient of that message?

Mr. STIMSON. No; I don't remember now having that occur to me. Of course, it is awfully easy to speculate with the knowledge of "hind-sight," but you must remember this, that we in Washington faced a whole horizon of danger, a good many different outposts. They were different in their nature. Hawaii was different from the Philippines in facts bearing on the question that you asked me. At Hawaii they had a very large population of Japanese of doubtful loyalty, say, to put it mildly. There was nothing like that in the Philippines. I call it to your attention so that you may determine, might [4075] not that fact bear on the warnings as to the surrounding population and the secrecy which was required for the preparations for the defense?

You will notice—I think it is the fact—when I looked them over, last night, the message to MacArthur leaves out that portion.

100. General GRUNERT. I think similar messages were sent to each.

Mr. STIMSON. Now, just let me make sure that that does not. This is the MacArthur message.

[4076] Yes. Take the vital sentence:

Prior to hostile action—

I am quoting now the Hawaiian message:

Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary, but these measures should be carried out so as not, repeat not, to alarm the civil population or disclose intent.

Now, those last words are left out of the MacArthur message, and that reads simply this way:

Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary.

Now, MacArthur had no white population to worry about to any extent down there, and he had no Japanese to worry about in respect to the secrecy, to disguise the intent from. Here, the problem before General Short was more difficult because he was surrounded by people that might report this thing at once to Japan.

I want to make clear again: I did not have those ideas at the time, because I was not making myself responsible for the terms of the message other than what I have described, but I can well see that whoever did do it was facing two different situations and changed his words accordingly, and that it may have been a very wise caution to protect the secrecy of the reconnaissance.

101. General GRUNERT. Have you any idea what measures taken might be more liable to alarm the public?

Mr. STIMSON. I'd rather not go into that.

[4077] 102. General GRUNERT. Anything more?

103. General RUSSELL. Yes.

Mr. STIMSON. I can sit here and speculate for a long time, but that is not my job.

104. General RUSSELL. Mr. Secretary we have probably gotten ahead of the hounds here, but we have discussed the fact that General Short's reply to this message that we are discussing of the 27th of November was brought to your attention. We are interested to know who sent that message up to you.

Mr. STIMSON. I don't know.

105. General RUSSELL. You don't recall that?

Mr. STIMSON. Oh, no.

Let me see. Have you the original here (addressing an assistant)? The two. There are two messages that came right in together.

Yes, the two, the MacArthur message and the Short message, come in this log right together, and at the top of the MacArthur message are the words, "To Secretary of War, O4C," is that?

(There was colloquy off the record.)

Mr. STIMSON. Oh, that's already in. "To Secretary of War, G. C. M."

106. General RUSSELL. There is no such entry—

Mr. STIMSON. There is no such entry in the other.

107. General RUSSELL. In the other message.

Mr. STIMSON. But you can make such—I have no recollection.

108. General RUSSELL. Yes. Well, I think this is in the record, but we possibly should get it clear: Were you generally [4078] kept informed of the strategic and tactical disposition and operation of field forces?

Mr. STIMSON. Well, yes, in most general form, not in detail at all.

109. General RUSSELL. Then, it was not out of the ordinary for this message of Short's and the message of MacArthur to have been sent in to you by the Chief of Staff?

Mr. STIMSON. Well, he sends to me at quite frequent intervals messages which are deemed by him to be important in keeping me up and abreast of the times.

110. General RUSSELL. I want to go back to some statements that you made already. They may be developed a little later in your narrative, though I am not sure.

I was impressed that in your early testimony you stated that when you talked to Secretary Hull on the 27th of November he told you that he was not interested any further in negotiation with the Japanese and had broken off negotiations. Did you know then, Mr. Secretary, that on the 26th of November Secretary Hull had sent a rather lengthy memorandum to the two Japanese Ambassadors here in which he did discuss terms by which an agreement might be reached?

Mr. STIMSON. I don't think I have—wait a minute. Let me see. Where is my narrative?

(There was colloquy off the record.)

Mr. STIMSON. My memorandum in the case shows that after Mr. Hull had told me that he had broken the whole matter off I learned

that he had broken it off by a restatement of our constant and regular position, which the Japanese had constantly refused to accept. That is the substance of it.

[4079] Is that satisfactory? Would that make it clear? or I can come nearer to it. Rather, I feel it is so important that you should get the exact facts here that I am ready to take a moderate amount of chances of —

111. General RUSSELL. Well, off the record.

(There was colloquy off the record.)

112. General RUSSELL. Mr. Secretary, did you learn on the day of the 27th of November, 1941, the probable date when the Secretary of State had delivered this statement of policy to the Japanese Ambassador?

Mr. STIMSON. I have no present recollection except my notes, but I have the very strong impression from them that it had taken place on the day before, namely November 26th.

113. General RUSSELL. I think that clears it up, unless there are some other suggestions.

114. General GRUNERT. If you have cleared up that, suppose we suggest to the Secretary he go ahead with his statement.

Mr. STIMSON. Shall I go ahead now?

115. General GRUNERT. And we will try not to butt in until you have finished, this time.

Mr. STIMSON. Well, I think—this is off the record. I think that the last part of my statement was connected with the November 27th.

116. General GRUNERT. That is right.

Mr. STIMSON. I hadn't gotten into November 28th, had I?

117. General FRANK. No.

Mr. STIMSON. Then on November 28th, 1941, according to my records, this is shown: that pursuant to my instructions G-2 had sent me a summary of the information in regard to the [4080] movements of the Japanese in the Far East, and it amounted to such a formidable statement of dangerous possibilities that I decided to take it to the President before he got up. That's in the morning. I told him there was an important collection and analysis of facts that I thought he ought to read before his appointment with us for twelve o'clock that morning, when the so-called war cabinet was to meet him, namely: Mr. Hull, Mr. Knox, myself, with Admiral Stark and General Marshall.

I afterwards went to the meeting of the so-called war cabinet, and then the President had read the paper that I had left with him. The main point of the paper was a study of what the expeditionary force which we then knew had left Shanghai and was headed south, was going to do. G-2 appointed out that it might develop into an attack on the Philippines or a landing of further trips in Indo-China or an attack on Thailand or an attack on the Dutch Netherlands or on Singapore. It was the consensus that the fact there was an expeditionary force on the sea of about 25,000 Japanese troops aimed for a landing somewhere—completely changed the situation when we last discussed whether or not we could address an ultimatum to Japan about moving the troops which she already had on land in Indo-China.

Those were discussions which you probably have testimony of in reference to the move of the troops that she already had in Indo-China

and whether there would be a threat to the neighboring countries there.

118. General RUSSELL. Yes.

Mr. STIMSON. It was the opinion of everyone that if this [4081] expedition was allowed to get around the southern point of Indo-China and to go off and land in the Gulf of Siam, either at Bangkok or further west, it would be a terrific blow at all of the three powers: Britain at Singapore, the Netherlands, and ourselves in the Philippines.

That's all the record that day.

On December 2nd, the next record, 1941, I left for the White House conference at twelve o'clock, and there were present there just Knox, Sumner Welles, and myself, as Hull is laid up with a cold. The President went step by step over the situation.

Then the last entry that I made up is December 7th, which I think I have already read you, about our meeting. If I haven't, I will restate it to you:

On December 7, 1941, Knox and I arranged a conference with Hull at ten-thirty, and we talked the whole matter over. Hull is very certain that the Japs are planning some deviltry, and we are all wondering where the blow will strike. We three stayed together in conference until lunchtime, going over the plans for what should be said and done.

Just one sentence more, and then I want to go back and say something off the record. This is on the record:

All important information from three meetings and conversations was communicated to the Chief of Staff. The Chief of Staff, as I have said, was present at some of these meetings. In every other case I passed the information on to him verbally.

Now, off the record.

(There was colloquy off the record.)

119. General GRUNERT. Continue on the record.

120. General RUSSELL. This is one of the questions I have. Does the Secretary have a further statement?

[4082] Mr. STIMSON. (5) I was not present at the Atlantic meeting. That is the so-called Atlantic Charter meeting. I never heard of any discussions there on a Japanese air attack.

The next question is number 6: How well informed was the War Department as to the American-Japanese relations during 1941 and especially during the period November 25 to December 7, 1941? Was the Chief of Staff kept informed of such relations? What was the form of liaison maintained?

I think I covered all that.

The seventh is: Is the Secretary familiar with the Secretary of State's statement of November 25, 1941, regarding such relations? If so, was the information therein made known to the Chief of Staff?

Well, I think I have covered that in the entries from my own records.

The eighth is about Mr. Knox's letter of January 24th and my reply of February 7th. I think I have answered that.

121. General GRUNERT. That is right.

Mr. STIMSON. 9th: Were there frequent exchanges of information pertaining to American-Japanese relations and probable Japanese actions between you and the Secretary of the Navy? If so, did you keep the Chief of Staff informed of the gist thereof?

And I have already passed that. My answer in substance was that, as I have already stated, Secretary Knox and I met regularly, and I passed on to the Chief of Staff all important items of information that came to me.

10th: Were you kept informed of the War Department message [4083] concerning the tense Japanese situation, to the Commanding General, Hawaiian Department, in late November and early December, 1941, and of the Navy messages which the Navy ordered the Commander-in-Chief, Pacific Fleet, to transmit to the Commanding General, Hawaiian Department?

There, I think I have told you on that, the one that I had anything to do with is the one that we have discussed at length. I don't remember that I had anything to do with any other, though, as I say, they might well have been passed over my desk by General Marshall making his notation on it that to show it to me, just to keep me posted. I usually did not see Navy messages. I never saw them but on rare occasions—I don't remember ever seeing them.

Then the next one is 11: Particularly were you informed of the Chief of Staff's message of November 27, 1941, to the Commanding General, Hawaiian Department, of the G-2, War Department, message to G-2, Hawaiian Department, reference sabotage, and of the so-called Arnold message to the Commanding General, Hawaiian Department, reference measures to particularly guard against airplane sabotage? If so, did you consider them as conflicting or tending to show that the War Department had only protection from sabotage in mind?

Well, I think what I have said covers that. I have no recollection of having seen any message, outgoing message, except the one that I have described. That was November 27th. The one of G-2 and of General Arnold and of the Adjutant General I have seen since the controversy came up, but I don't think I saw them at the time at all, and I would rather not, therefore, state any inferences from them.

[4084] The next one, e (12), was one we have discussed rather fully: Did you see the report from the Commanding General, Hawaiian Department, called for by the Chief of Staff's message of November 27? If so, did you consider the reported measures taken as adequate under the circumstances? Did it occur to you that because of this report, the Commanding General, Hawaiian Department, may have deemed the measures taken as adequate, and if not considered so by the War Department, it (War Department) would have taken exception to the report?

Well, I have told you the only message that I must have seen is the Short one as to sabotage coming back from—at least, which has the word "sabotage" in it, coming back on November 27th from General Short. I have no independent recollection of seeing that at all, and there is no record in any of my voluminous recorded diaries or messages, or records which I have, about it. So that all I can say is, it certainly didn't convey to me any impression that what we thought of as the war warning was not being carried out as a war warning. I have no recollection of what my opinion was. My only reaction is a negative one, that if it made the impression that you suggest here, I would have remembered. I would have remembered it and I would have taken action.

13: Do you know of any restrictions placed upon the Commanding General, Hawaiian Department, which limited or prevented him from taking such action in preparation for defense as he deemed necessary under his mission and responsibilities?

Well, so far as messages are concerned, they speak for [4085] themselves, and I have nothing further to say; but I think you should remember here that one cardinal policy of the staff in this war has been decentralization. In other words, we pick the best men we can for theater commanders and assign their mission. The manner of accomplishing the mission is their responsibility, and we back them up. We consider it unsound to attempt to meddle with or make meticulous supervision of theater commanders in the performance of their mission, which they in the field are able better to judge from first-hand contact.

Now, that policy has been hammered into me over and over and over again. Experience has gone on all over the global theaters of the war, and it has always been uppermost in my mind and I have heard it applied by General Marshall so often that I know what is going to come when anybody gets worried or nervous about what is going on in New Guinea or in France or in somewhere else: "Remember the theater commander. He has the responsibility. Don't joggle his elbow." And that was the policy of the staff at the time of these occurrences. Of course, it has been developed on a very much larger scale ever since, under conditions where the temptation to interfere was much greater, but that has been the policy.

14: From the extent of your knowledge of information given to the Commanding General, Hawaiian Department, as to the Japanese situation from late in November to December 7, 1941, do you consider that he was sufficiently informed and warned of the probability of an air attack on Hawaii?

Now, I have stated all the facts that I know, and that question is one of the kind of questions, General Grunert, that [4086] I meant at the beginning that I don't think I ought to express an opinion on. That is for you gentlemen to reach.

122. General GRUNERT. So be it.

Mr. STIMSON. No. 15: In the light of what happened at Pearl Harbor, was the policy of "leaning over backwards to keep from offending the Japanese" justified? If not, then from a military viewpoint should not the Army under the circumstances advocate a more vigorous policy?

(2) Would not our national defense be better served by less attention to international amity and more to protection against national disaster?

(3) Is this not more so especially as to a nation like Japan who always strikes before declaring war or prepares to strike simultaneously with such a declaration?

Well, that is the kind of question that I think I had better not go into. I have views on them all, as every citizen has, but they are not views which relate to this case, and I don't want to air them here. I mean I don't think it is proper for me to go into that here.

16: Do you know why an armed photographic mission was ordered to photograph the island of Truk on December 5, 1941, when at the same time instructions were in force in the Hawaiian Department to avoid the commission of an overt act against Japan and to attempt to avoid alarming the civil population or to disclose intent in taking preparatory defense measures?

Well, I had seen the telegram, so I must have known of it, and I evidently thought that it was a mission that ought to be [4087] carried out, from that. That's all I know. I wouldn't have otherwise any recollection of it, though I must have known from that message that there was a concentration in the Mandated Islands, and it must have been known to the staff. Other than that, I would rather not comment on it.

123. General GRUNERT. Have you anything else?

124. General FRANK. No.

125. General GRUNERT. Have the advisers any suggestions, questions?

126. Major CLAUSEN. Unless there is something on this A. W. S. construction work that General Frank may have in mind.

127. General GRUNERT. I think we have covered it.

128. General FRANK. I think we have covered everything we want on that.

Mr. STIMSON. I wouldn't have gone so at length if I had known it was before you, but I thought that was new.

129. General GRUNERT. Some of the angles that you may have given us may have been new, but the subjects have practically all been covered.

Mr. STIMSON. Yes.

130. General GRUNERT. Mr. Secretary, we thank you very much for this lengthy hearing that you have granted to the Board, and the Board appreciates it.

Mr. STIMSON. Well, thank you very much, gentlemen. I only want to help you. That is all.

(The witness was excused, with the usual admonition.)

[4088] 131. General GRUNERT. The following memorandum, with a list of questions, was sent to the Secretary of War:

HEADQUARTERS ARMY PEARL HARBOR BOARD,
Munitions Building, 3 August 1944.

Memorandum for the Deputy Chief of Staff.

Subject: Secretary of War and Chief of Staff as Witness before the Army Pearl Harbor Board.

1. The Board would like to commence the hearing of witnesses Monday morning, 7 August 1944, with the Secretary of War and the Chief of Staff with the view to developing the War Department background and viewpoints prior to and leading up to the Pearl Harbor attack.

2. Can it be arranged to have these two witnesses appear individually before the Board on that morning? If so, will you please inform me as to the time and place. If not that morning, then when and where. For their convenience it is suggested that the Board meet in your conference room.

3. To acquaint them with the procedure and to inform them as to the subjects on which the Board desires to question them, I inclose herewith (Exhibits A and B), a statement for each of them.

For the Board:

GEORGE GRUNERT,
Lieutenant General, U. S. Army,
President.

2 Incls.

Incl. 1. Exhibit A

[4089]

EXHIBIT A

STATEMENT FOR THE SECRETARY OF WAR

1. Procedure:

a. The witness presents himself before the Board, is sworn by the Recorder, and is asked to state his name, address, and occupation.

b. The Recorder then explains to the witness his rights under the 24th Article of War and asks him whether he fully understands them.

c. The President of the Board will then inform the Secretary as follows:

"Mr. Secretary, the order convening this Board states in part: 'Pursuant to the provisions of Public Law 339, 78th Congress, approved 13 June 1944, a Board of officers is hereby convened to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on 7 December 1941, and to make such recommendations as it may deem proper.'

"Since the existence of the Board is based on the Public Law referred to, the Board made a study of Congressional Hearings thereon and as a result deemed it part of its duties to go into the War Department background and viewpoints prior to and leading up to the Pearl Harbor attack. In consequence the Board drew up a list of subjects on which it desires to question the Secretary.

"The large field to be covered by the Board in the limited time available made it advisable to assign objectives or phases of inquiry to individual members, although the entire Board will pass upon all objectives [4090] or phases. General Russell was assigned to this particular phase so he will lead in propounding the questions and other members will assist in developing them."

2. List of subjects follows:

a. War Councils.

(1) Composition.

(2) War Department representation.

(3) Procedure in making known to the Army of so much of the information gleaned and conclusions arrived at as was considered necessary to the Army to execute its missions.

(4) What restrictions as to (3) if any, and who was the judge?

(5) As to Council meetings late in November and early in December 1941. Were such held? If so, was the probability of war with Japan, the probability of air attacks on Hawaii from carriers borne aviation, and the location of Japanese task forces, discussed? If so, and if conclusions were reached, was this information transmitted to the Chief of Staff?

b. Were you present at the Atlantic meeting of the President with Prime Minister Churchill? If so, are you at liberty to tell the Board whether during ensuing discussion matters came up with related to the probability of a Japanese attack on Hawaii? If so, was that information transmitted to the Chief of Staff? If not present, were you informed of such discussions and did you transmit the gist thereof to the Chief of Staff?

c. Relations with the State Department.

[4091] (1) Generally, how well informed was the War Department as to American-Japanese relations during 1941 and especially during the period November 25 to December 7, 1941? Was the Chief of Staff kept informed of such relations? What was the form of liaison maintained?

(2) Is the Secretary familiar with the Secretary of State's statement of November 25, 1941, regarding such relations? If so, was the information therein made known to the Chief of Staff?

d. (1) Does the Secretary recall the January 24, 1941, letter from the Secretary of the Navy wherein the Secretary of the Navy proposed joint preparedness measures in Hawaii, particularly to guard against surprise air raids and your reply of February 7, 1941, in which you directed the Commanding General, Hawaiian Department, to cooperate to make the suggested measures effective? If so, do you know what, if any, follow-up measures were taken?

(2) Were there frequent exchanges of information pertaining to American-

Japanese relations and probable Japanese actions between you and the Secretary of the Navy? If so, did you keep the Chief of Staff informed of the gist thereof?

e. (1) Were you kept informed of the War Department messages, concerning the tense Japanese situation, to the Commanding General, Hawaiian Department, in late November and early December, 1941, and of the Navy messages which the Navy ordered the Commander-in-Chief, Pacific Fleet, to transmit to the Commanding General, Hawaiian Department?

(2) Particularly, were you informed of the Chief of Staff's message of November 27, 1941, to the Commanding [4092] General, Hawaiian Department, of the G-2, War Department message to G-2, Hawaiian Department, reference sabotage, and of the so-called Arnold message to the Commanding General, Hawaiian Department, reference measures to particularly guard against airplane sabotage. If so, did you consider them as conflicting or tending to show that the War Department had only protection from sabotage in mind?

(3) Did you see the report from the Commanding General, Hawaiian Department, called for by the Chief of Staff's message of November 27? If so, did you consider the reported measures taken as adequate under the circumstances? Did it occur to you that because of this report, the Commanding General, Hawaiian Department, may have deemed the measures taken as adequate, and if not considered so by the War Department, it (War Department) would have taken exception to the report?

f. Do you know of any restrictions placed upon the Commanding General, Hawaiian Department, which limited or prevented him from taking such action in preparation for defense as he deemed necessary under his mission and responsibilities?

g. From the extent of your knowledge of information given to the Commanding General, Hawaiian Department, as to the Japanese situation from late in November to December 7, 1941, do you consider that he was sufficiently informed and warned of the probability of an air attack on Hawaii?

[4093] h. Re U. S. Policy.

Does the Secretary desire to answer any of the following questions?

(1) In the light of what happened at Pearl Harbor, was the policy of "leaning over backwards to keep from offending the Japanese" justified? If not, then from a military viewpoint, should not the Army under the circumstances advocate a more vigorous policy?

(2) Would not our National Defense be better served by less attention to international amity and more to protection against National disaster?

(3) Is this not more so especially as to a nation like Japan who always strikes before declaring war or prepares to strike simultaneously with such a declaration?

i. Do you know why an armed photograph mission was ordered to photograph the island of Truk on December 5, 1941, when at the same time instructions were in force in the Hawaiian Department to avoid the commission of an overt act against Japan and to attempt to avoid alarming the civil population or to disclose intent in taking preparatory defense measures?

General GRUNERT. As a part of the record of the transactions of this Board, prior to testifying and on the dates indicated below, the secretary of War was furnished the following from the records of the Board, during its absence from Washington:

Transcript of testimony of Chief of Staff, General George C. Marshall (Vol. 1) (furnished 21 September 1944);

Transcript of testimony of Major General Walter C. Short, Retired (Vols. 4 and 5) (furnished 22 September 1944); and

[4094] Transcript of testimony of Admiral Husband E. Kimmel (Vol. 16) (furnished 22 September 1944).

These records were furnished to the Secretary of War, upon his application, by Colonel William J. Hughes, Jr., JAGD, who had charge of the records in the absence of the Board.

(Thereupon, the Board, at 1 p. m., having concluded the hearing of witnesses for the morning, proceeded to the transaction of other business.)

[4094-A]

WAR DEPARTMENT,
Washington, October 10, 1944.Lt. General GEORGE GRUNERT,
President, Army Pearl Harbor Board,
Munitions Buildings, Washington, D. C.

DEAR GENERAL GRUNERT: I have looked over a copy of my testimony before your Board and have indicated certain corrections on the sheets enclosed. Many of these are corrections merely in the English and, of course, I realize that the court reporter may have taken down accurately what I said. It is always difficult to speak precisely with due regard for clear English in oral testimony. All the corrections represent the actual and true facts according to my present recollection. The asterisks are at places where I am sure the reporter incorrectly took down what I actually said at the time.

I think I should also state that, although before I testified I had read General Marshall's testimony at his first appearance before your Board, I had not had time to read the testimony of either Admiral Kimmel or General Short.

For your record, I am taking oath to the truth of the facts I am stating in this letter.

Sincerely yours,

/s/ HENRY L. STIMSON,
Secretary of War.

Subscribed and sworn to before me this 10th day of October, 1944.

EDWARD L. DAVIS, Notary Public.

My Commission Expires July 14, 1946.

[4094-B] Page 4039, 12th line: Omit the words "of yours."

Page 4042, 13th line: Insert the word "term" before the word "organization."

Page 4049, 3rd line: "One" should be "ones" and the words "that I" should be omitted. 4th line: "Were" should be inserted before "those." 14th line: "Matters" should be "matter."

Page 4050, 5th line: "Real" should be "statutory."

Page 4052, 6th line: "The night" should be omitted.

Page 4053, 14th & 15th lines: "This is . . . is the day" should be omitted. 23d line: "The" should be "my."

*Page 4056, 1st line: The name "Grew" should be "Gerow." 7th line: "Hold of" should be omitted.

At the bottom line of this page, I am clear that I said that it was not normally my business to prepare messages. This is a fact and I am sure I so stated.

Page 4057, 3rd line: Omit "Now, . . . oh."

*Page 4061, 6th line: I am sure the date to which I referred was November 27th. 14th line: Omit "The . . . that."

Page 4065, 4th line: "Emergent" should be "emergency." 10th line: "That" should be "whom."

Page 4966, 9th line: "Into our service" should be inserted before "this." 11th line: "Was" should be "had not been." 12th line: There should be a period after "them." "Acquainted with" should be inserted before "it." "Friends" should be inserted after "scientific" and followed by a period. "Works . . . and" on the 12th & 13th lines should be omitted.

Page 4067, 10th line: Initial "B" should be "V." 11th line: "Of the" should be omitted.

[4094-C] *Page 4069: There is apparent confusion in Question 78 and my answer, but I think the matter is adequately explained and needs no further change.

*Page 4072, Question 89: The fact is that General Arnold showed me a proposed message for a photographic reconnaissance. 4th & 5th lines from bottom: "Oh . . . show it?" should be omitted.

Page 4073, 13th & 14th lines: A period should follow "matter," and the remainder of the sentence should be omitted. 20th line: "New" should be inserted before "weapon."

Page 4078, 10th line: "Conveying" should be omitted.

*Page 4079, Answer to Question 112: I cannot be sure what my impression was on November 27th and, therefore, in line 2 of the Answer the word "had" should be "have."

Page 4080, 17th line: The words "present move" should be omitted and the words "fact that" substituted therefor. 24th line: "Of which we . . . this is" should be omitted.

*Page 4081, the last line of the Answer to Question 118: The correct statement is as follows: "In every other case I passed the information on to him verbally."
Page 4082, 2nd line: "The" should be "a." 26th line: A comma should follow "that" which should be immediately followed by the word "as." A comma should follow "stated."

(The Board directed that all changes in the record requested by the Secretary of War be accomplished with the exception of requested change in answer to question 90, page 4072. The Board did not believe that it was justified in making that change.)

[4095]

AFTERNOON SESSION

MUNITIONS BUILDING.

(The Board reconvened at 2:30 p. m., and resumed the hearing of witnesses, as follows:)

TESTIMONY OF LOUIS J. CLATERBOS, COLONEL, CORPS OF ENGINEERS, THE ENGINEERS SCHOOL, FORT BELVOIR, VA.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station.

Colonel CLATERBOS. Louis J. Claterbos; Colonel, Corps of Engineers, the Engineers School, Fort Belvoir, Va.

2. General GRUNERT. Colonel, General Frank assisted by Major Clausen will conduct this particular part of our investigation.

Colonel CLATERBOS. Yes, sir.

3. General FRANK. Colonel Claterbos, will you state the duty on which you were, in Los Angeles, in the late thirties and early forties.

Colonel CLATERBOS. Yes. From August 1935 until July 1937, I was assistant to the district engineer in Los Angeles.

4. General FRANK. Then where did you go?

Colonel CLATERBOS. From there, I went to Leavenworth School.

5. General FRANK. And when you were in Los Angeles, who was the district engineer?

Colonel CLATERBOS. Colonel Theodore Wyman, Junior.

6. General FRANK. For the entire two years that you were [4096] there?

Colonel CLATERBOS. Yes, sir.

7. General FRANK. You knew him pretty well?

Colonel CLATERBOS. Yes, sir. Yes, I have known him since 1920.

8. General FRANK. Did you ever serve with him before?

Colonel CLATERBOS. Yes, sir. I didn't work for him, but I served with him when I was at Fort Belvoir, from 1922 to 1925. He was then on duty on the same post that I was. He was executive of the Engineer Board, and I was on duty with a topographic battalion.

9. Major CLAUSEN. Colonel Claterbos, you and I have discussed the general nature of the investigation by the Federal Bureau of Investigation of certain information that you possess concerning Colonel Wyman, before the Board met today, is that correct?

Colonel CLATERBOS. Yes.

10. Major CLAUSEN. This FBI man was Don C. Bird. The investigation was made March 7, 1944. Is that correct?

Colonel CLATERBOS. That is correct.

11. Major CLAUSEN. Due to the eye condition which you now have, it is your doctor's advice that you do not read, isn't that correct?

Colonel CLATERBOS. That is right.

12. Major CLAUSEN. All right; for that reason, sir, I am going to read for you a portion of the report having relation [4097] to the matters that we are concerned with, and ask you whether the information which you gave to Mr. Bird was correct. This commences on page 3.

He—

that is, yourself, Colonel Claterbos.

advised that after leaving Los Angeles in 1937 his contacts with subject—

that subject being Hans Wilhelm Rohl.

and Wyman—

Wyman being Colonel Theodore Wyman, Junior.

—had been very few. He added that on December 4, 1941, he landed in Honolulu by clipper, en route to the Far East from the United States, and was in that city during the attack on Pearl Harbor. Further, that upon arrival in Honolulu he found both subject Rohl and Wyman there. He recounted an incident told to him by Wyman to the effect that early in 1941 when the Army decided upon elaborate installments in Hawaii, Wyman had called upon Rohl to accept a contract for the work, Rohl flying to Hawaii to make a preliminary survey prior to entering into negotiations on the contract.

Colonel CLATERBOS. I would like to interrupt, if I could.

13. Major CLAUSEN. Yes, sir.

Colonel CLATERBOS. That is, to point out what I pointed out to you a few minutes ago, that that was a joint affair, it was a joint venture, and that he mentioned not only Rohl but he mentioned Grafe, the representative of the W. E. Callahan Company, and then there was a third.

14. Major CLAUSEN. Shirley-Gunther?

[4098] Colonel CLATERBOS. Yes, Shirley-Gunther. That should be changed, I think, to state that I mentioned to the FBI investigator that Wyman's explanation was that he had this big job, and he didn't have in the Hawaiian Islands at that time a contracting company capable of taking over that kind of a job, and that he had called upon people upon the Pacific coast that he knew were capable of handling a big job.

15. Major CLAUSEN. In other words, what you are saying, in effect, in brief, is that the contract was not solely with Rohl but was with this joint venture, is that right?

Colonel CLATERBOS. That is right.

16. Major CLAUSEN. All right.

Colonel CLATERBOS. And if the joint venture had been more or less—well, I think it is all right.

17. Major CLAUSEN. All right. I will continue reading:

Further, that after returning to the United States and after long negotiations on the contract, the Army and Rohl had come to agreement and the contract was ready to sign, at which time Wyman noticed a clause in the contract prohibiting persons other than citizens from having connection with the undertaking, whereupon he, Wyman, casually remarked to Rohl, "You're a citizen, aren't you, Bill?" and Rohl had replied that he was not, necessitating the immediate naturalization of Rohl. Claterbos stated that at the time of the above conversation with Wyman, Wyman had indicated that Rohl had immediately taken steps to become

a naturalized citizen and thereafter signed the contract, the contract having been signed several months [4099] prior to Claterbos' arrival in Honolulu, Rohl by December 4, 1941, being actively engaged in work under the contract.

In connection with Rohl's having knowledge of the contracts for installations in Hawaii prior to September 15, 1941, Claterbos stated that he had no personal knowledge of the matter, but that in view of what Wyman told him in Honolulu, as mentioned above, he supposed that negotiations upon the contracts had been entered into much prior to September 1941. He stated that the extent of Rohl's knowledge about the contracts would depend upon the nature of the contract and upon the information made available to him during the negotiations on the contracts. He explained that in the usual case a "cost plus fixed fee" contract was let in such cases, and that in such a contract the Army made all the necessary calculations as to the number of men needed, the type of equipment necessary, the type of work to be done, etc., and then calculated the estimated expenses involved. Thereafter the Army would seek a contractor who had the equipment, experience and organization to handle the job whereupon the contractor was contacted and given an outline of the proposed work, the estimated cost and profit, etc., so that he could enter an intelligent bid on the contract. Colonel Claterbos stated that under the usual procedure the contractor would not have a detailed and comprehensive understanding of the work called for until the contract was actually signed and work begun thereon, but that it might be possible, because of the nature of the contract or because of the nature of the [4100] negotiations thereon, for the contractor to have detailed information prior to the actual signing of the contract, and that in such cases an examination of the contract and of the minutes of the meetings with reference to the negotiations thereon should reveal just what information had been available to the contractor. Colonel Claterbos stated that the contracts pertinent to this case, as well as the above mentioned minutes, should be available at the Office of the Chief Engineer, U. S. Engineer, Temporary building "F", 23rd street, Washington, D. C. Upon being questioned as to the present whereabouts of Wyman's former associates, George Withers and Colonel Norman A. Mathias, were now at the above-mentioned Temporary building "F", and that Colonel Withers would be able to obtain the contracts and minutes for examination by an agent of the Bureau.

Colonel Claterbos stated that he had no information concerning the possible transportation of 18 or more cases of whiskey from Los Angeles to Honolulu by Rohl in February 1942. He added, however, that Rohl might well have done so since he was a heavy drinker and entertained a great deal.

With the exception of the explanation that you made concerning with whom this contract was made, are the extracts that I have read correct, sir, and do they recite the true facts?

Colonel CLATERBOS. Yes, that's about—I mean I might explain that the reason I went into that detail of explaining the operation of the cost-plus-fixed-fee contract is that the investigator didn't seem to know much about it; and I had to more or less clear it up. I also explained to him, as I [4101] recall, that I was under the impression, just recalling from memory, that the final negotiations on that contract and the signing of it, were held in San Francisco, not in Honolulu, because the contract was undoubtedly entered into by the division engineer in the South Pacific Division, as the contracting officer. I explained that to him also.

18. Major CLAUSEN. You had reference to this first paragraph that I read, as to what Wyman told you about the signing of that contract?

Colonel CLATERBOS. Yes.

19. Major CLAUSEN. And having discovered that Rhol was an alien?

Colonel CLATERBOS. Yes. As I recall, that took place in San Francisco, in the division engineer's office, because the whole thing was just a conversation I had with Wyman.

20. Major CLAUSEN. And that was the source of your information on this?

Colonel CLATERBOS. Yes.

21. Major CLAUSEN. When did yo uhave this conversation with Colonel Wyman?

Colonel CLATERBOS. Well, I would say that it was about the 6th—or, I mean the 5th of December, 1941. I arrived there shortly after midnight, the 3rd-4th, and was there the 4th, 5th, and so on, and during one of those days I went with Colonel Wyman to visit several of the jobs that he was working on, and it was during lunch, while we were visiting the jobs, that we had this conversation.

22. Major CLAUSEN. By the way, you are a friend of Colonel Wyman, is that correct?

[4102] Colonel CLATERBOS. Right.

23. Major CLAUSEN. That is all I have at this time.

24. General GRUNERT. Are there any questions?

Do you think of anything else that might bear on this case, that you want to tell the Board?

Colonel CLATERBOS. Well, of course, I want to, I would like to re-iterate again what I said in there. I have been associated on the two big jobs with Wyman, plus this one out in Honolulu, and of course, in the past few months I have heard a lot and have seen and read a great deal of the inferences that have been drawn by newspapermen and radio commentators, but I honestly, in dealing with contractors, I know that Wyman was tough and hard, and has never in the period of time that I was with him, on a big job in Kansas City and out in Los Angeles, I certainly would never consider him as being dishonest or anything showing or tending to show favoritism to one contractor or another, regardless of his personal dealings with the man.

25. Major CLAUSEN. You do believe though, do you not, sir, that his associations with Mr. Rohl were somewhat out of the ordinary and normal?

Colonel CLATERBOS. Oh, absolutely! Yes, sir! Yes, I don't think there is any question about that. He was guilty of what I would call indiscretions.

26. Major CLAUSEN. What kind of indiscretions, Colonel?

Colonel CLATERBOS. Well, I would say, going on parties with him, perhaps to the exclusion of other people, and things of that sort.

27. General RUSSELL. Accepting his, Rohl's, hospitality?

Colonel CLATERBOS. Yes; but as I pointed out in this testimony, in all the time that I was with Wyman, he was a [4103] a stickler for repaying obligations of contractors. He made that clear to his subordinates, he made it clear; and in all of his actions that I can recall, he never accepted any sort of a party without eventually paying it back.

28. General RUSSELL. In kind?

Colonel CLATERBOS. In kind, or in—well, what I mean is, if we went to a dinner or—yes, I would say, in kind.

29. General RUSSELL. All right.

30. Major CLAUSEN. I have no further questions.

31. General GRUNERT. Are there any further questions?

Well, thank you very much for coming in.

Colonel CLATERBOS. Yes, sir.

(The witness was excused; with the usual admonition.)

TESTIMONY OF JAMES W. BUTTERFIELD, DISTRICT DIRECTOR,
BALTIMORE DISTRICT, IMMIGRATION AND NATURALIZATION
SERVICE

(The witness was sworn by the Recorder and advised of his rights under Articles of War 24.)

1. Colonel WEST. Mr. Butterfield, will you state to the Board your name and address.

Mr. BUTTERFIELD. James W. Butterfield; room 202, Tower building, Baltimore, Maryland.

2. Colonel WEST. And you are connected with the Immigration and Naturalization Service, at present, I believe?

Mr. BUTTERFIELD. Yes. I am district director, Baltimore District, Immigration and Naturalization Service.

3. General GRUNERT. Mr. Butterfield, General Frank assisted by Major Clausen will conduct this particular part of our investigation.

4. Major CLAUSEN. Mr. Butterfield, your assignment previously [4104] was in Los Angeles, California?

Mr. BUTTERFIELD. Yes, sir; I was located there from 1929 to 1942.

5. Major CLAUSEN. While with the Bureau of Immigration and Naturalization?

Mr. BUTTERFIELD. Yes, sir.

6. Major CLAUSEN. And during that period at Los Angeles, your position officially was what?

Mr. BUTTERFIELD. Examiner in charge, naturalization division.

7. Major CLAUSEN. As such did you become acquainted with the application and petition of Hans Wilhelm Rohl for naturalization?

Mr. BUTTERFIELD. Yes, sir; I did.

8. Major CLAUSEN. And in the course of your acquaintance with that applicant did you become familiar with the file thereon?

Mr. BUTTERFIELD. Yes, sir.

9. Major CLAUSEN. And have I indicated to you certain papers in this file that I hold in my hand, which file was given me by the present district director at Los Angeles, Mr. Del Guercio? Do you recall this as being the file of Hans Wilhelm Rohl?

Mr. BUTTERFIELD. Yes; that would be the Los Angeles district file.

10. Major CLAUSEN. In connection with the application of Mr. Rohl, did you conduct some of the investigation or examinations of the applicant?

Mr. BUTTERFIELD. Yes; I conducted an examination of Mr. Rohl and the witnesses who appeared for him in connection with [4105] the filing of his petition.

11. Major CLAUSEN. Do you recall that this case of Hans Wilhelm Rohl, after the filing of the application, became a special case to be rushed through?

Mr. BUTTERFIELD. Yes; I do.

12. Major CLAUSEN. And do you recall the basic reason assigned for that?

Mr. BUTTERFIELD. I do—that his services of himself and the company of which he was an officer were required or desired by Army authorities.

13. Major CLAUSEN. And in connection with that did you see a letter from Colonel Theodore Wyman, Junior, a copy of which is here in the field, dated January 11, 1941, sir?

Mr. BUTTERFIELD. Yes; I do recall such a letter, which was submitted in connection with his case, and was made a part of the file.

14. Major CLAUSEN. Do you recall in connection with the letter and this special treatment of the case that this letter was presented by an attorney by the name of Martin?

Mr. BUTTERFIELD. I couldn't recall whether it was presented by the attorney, Martin, or by Rohl, himself.

15. Major CLAUSEN. Now, if the Board pleases, some of the documents in this file are going to be referred to by this witness and other witnesses, and in any event, I should like to introduce them in evidence. There are too many; and, for the purpose of informing the Board and also, the interrogation of this witness, I would like to read certain of these in evidence at this time.

I will start with a memorandum which is dated February 5, [4106] 1941. I will ask the witness, first, whether that is in your handwriting? Is that your handwriting, Mr. Butterfield?

Mr. BUTTERFIELD. Yes, sir.

16. Major CLAUSEN. All right, sir. It is a note in pencil. This says:

(Memorandum by Butterfield, Feb. 5, 1941, re Rohl:)

Re—Hans W. Rohl.

Attorney says we will get letter from Shoemaker to make this case a special.

17. General FRANK. Who says this?

18. Major CLAUSEN. "Attorney."

19. General FRANK. What attorney?

20. Major CLAUSEN. Well, that's it!

What attorney was it?

Mr. BUTTERFIELD. I would say that was Attorney Martin, probably. Note was made at the time, that either Martin or Rohl, or both of them together, brought in his application.

21. Major CLAUSEN. And after you made this note, did you get a letter from Shoemaker to that effect?

Mr. BUTTERFIELD. Yes, sir; I did.

22. Major CLAUSEN. And is this the letter, the original of which is here, dated February 4, 1941?

Mr. BUTTERFIELD. Yes, sir.

23. Major CLAUSEN. I will read this into the record. It is from the United States Department of Justice, Immigration and Naturalization Service, Washington, dated February 4, 1941, to the District Director, Immigration and Naturalization Service, Los Angeles, California:

[4107] (Letter from U. S. Department of Justice to District Director, Immigration and Naturalization Service, Los Angeles, Calif., dated February 4, 1941:)

It is understood that one Hans (or John) William Rohl made application for a certificate of arrival in your office on the 3d instant.

The services of this alien will be used in connection with the defense program. Please make his case special. It is meant by this that the application for certificate of arrival should be made special, the filing of a petition also, and

the hearing, if it can be disposed of immediately after the thirty days after its filing.

Report in connection with this case when it has finally been disposed of will be Appreciated.

LEMUEL, B. SCHOFIELD,
Special Assistant to the Attorney General,
By /S/ T. B. SHOEMAKER,
Deputy Commissioner,
Legal Branch.

I am going to read in the record at this time, as the next document here in the file, a letter from the War Department, United States Engineer Office, Honolulu, T. H., dated January 22, 1941:

(Letter from Wyman, district engineer, Jan. 22, 1941:)

Refer to File No. Contract No. W-414-eng-602.

Mr. H. W. ROHL,

Rohl-Connolly Company,

4351 Alhambra Avenue, Los Angeles, California.

[4108] DEAR SIR: Reference is made to Secret Contract No. W-414-eng-602 with the Hawaiian Constructors for work in the Hawaiian Islands.

As you are actively interested in this venture, I desire you to proceed to Honolulu at your earliest convenience to consult with the District Engineer relative to ways and means to accomplish the purpose of the contract. You will be allowed transportation either by clipper or steamboat, both ways, and travel allowance not to exceed \$6.00 per day while en route in accordance with existing laws and regulations.

You will make application to either the District Engineer at Los Angeles or the Division Engineer, South Pacific Division, San Francisco, for transportation.

Very truly yours,

(Signed) THEODORE WYMAN, Jr.,
Lt. Col., Corps of Engineers,
District Engineer.

In the lower left-hand corner, it says:

January 27, 1941 (photostat made).

Carbon copy made by MA-2-19-41.

By the way, do you know who "M. A." is, in the lower left-hand corner?

Mr. BUTTERFIELD. I couldn't say at this time. If it was from the Los Angeles office, it is some stenographer, and the only one I can think of now is Marie Altman; but that would be a guess.

24. Major CLAUSEN. One of the next papers in the file is an [4109] excerpt from Public No. 671, 76th Congress, being the act approved June 28, 1940, which has already been read in evidence—the act forbidding the employment of aliens, and to expedite the national defense, and for other purposes in connection with defense contracts. If the Board desires it read, I could read it. I am going to read one of the next letters here, in chronological order, dated February 20, 1941.

25. General GRUNERT. The Board desires that you read this law in this testimony now, so we can have a connected story.

26. Major CLAUSEN. Very well, sir. The law referred to is entitled:

NATIONAL DEFENSE

CHAPTER 440—3D SESSION

(PUBLIC—No. 671—76TH CONGRESS)

(H. R. 9822)

This is entitled: "An Act to expedite national defense, and for other purposes."

SEC. 11. (a) No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained, and any person who willfully violates or through negligence permits the violation of the provisions of this subsection shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

[4110] (b) Any alien who obtains employment on secret, confidential, or restricted Government contracts by willful misrepresentation of his alien status, or who makes such willful misrepresentation while seeking such employment, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) For the purpose of this section, the term "person" shall be construed to include an individual, partnership, association, corporation, or other business enterprise.

Approved, June 28, 1940.

The next document I desire to read in evidence is a copy of a letter dated February 20, 1940, from the District Director, Los Angeles District, to the District Director, Honolulu, T. H., by air mail:

(Letter, District Director, Los Angeles, to District Director, Honolulu, dated February 20, 1941:)

One Hans (or John) William Rohl, a native and citizen of Germany, is an applicant for United States citizenship in this District, and through his attorney has presented a photostatic copy of a letter addressed to him by Colonel Theodore Wyman, Jr., District Engineer, Post Office Box 2240, Honolulu, T. H.

A copy of the photostat referred to is enclosed, from which it appears that Mr. Rohl's presence in Honolulu is desired in connection with secret contract #W-414-eng-602. In connection with our investigation concerning the applicant's qualifications for citizenship, and in order that appropriate recommendation may be made to the court [4111] with reference to the matter, please ascertain whether Mr. Rohl at any time represented himself to Colonel Wyman, Jr., as a citizen of the United States.

A reply by airmail at your earliest convenience will be very much appreciated.

(Signed) WILLIAM A. CARMICHAEL,
District Director, Los Angeles District.

I also desire to read one of the following letters in the same file, from the inspector in charge of the Los Angeles office to the inspector in charge at San Pedro, California, dated March 1, 1941, to indicate the effect of the special instructions. I am merely going to read this part.

27. General FRANK. "To the inspector"—inspector of what? Is it an inspector of the Engineer Corps, or of what?

28. Major CLAUSEN. This is to the inspector in charge, at San Pedro, California, from the inspector in charge of the Los Angeles office of the Bureau of Immigration and Naturalization:

(Excerpt from letter, Inspector in Charge, Los Angeles, to Inspector in Charge, San Pedro, dated March 1, 1941:)

HANS WILHELM ROHL OR H. W. ROHL

APPLICANT FOR NATURALIZATION

The above named native and citizen of Germany has recently filed an application for citizenship and the Central Office has requested that his case be made special and rushed through.

I am now going to read in evidence a note, with the number at the top, "246-P-83608," dated March 11, 1941, "Re Hans Wilhelm Rohl," signed "Butterfield." By the way, those are your initials [4112] are they, sir?

Mr. BUTTERFIELD. Yes, sir.

29. Major CLAUSEN. It reads as follows:

(Note dated March 11, 1941, re H. W. Rohl, by Butterfield:)

Re: Hans Wilhelm Rohl.

The petitioner called on me on March 11, 1941, and stated that the information he gave me concerning his first marriage was not correct; that he was not legally married to Marion Henderson but lived with her from 1914 to 1923 and is the father of her four children; that they lived together only in California and did not go through any kind of a ceremony; that Marion Henderson is now married and her name is Marion Clark and that she lives at 2371 Portola Way, Sacramento, Calif.; that the two minor children live with her; that he entered into a property settlement with her on April 22, 1925, and the agreement is attached hereto; that he provided for her and the minor children as specified in the contract.

Sir, is that a correct statement of fact as to what happened between you and the petitioner on that date?

Mr. BUTTERFIELD. Yes, sir.

30. Major CLAUSEN. I now desire to read in evidence a letter from the United States Department of Justice, Immigration and Naturalization Service, Honolulu, Hawaii; over to the right, "665-Rohl," dated March 1, 1941, sent by air mail; received in Los Angeles apparently on March 11, 1941:

(Letter from U. S. Naturalization examiner, Honolulu, to district director, Immigration and Naturalization Service, Honolulu, T. H., dated March 1, 1941:)

[4113] DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE,
Honolulu, T. H.

Los Angeles File B-23-1876, HANS WILHELM ROHL, Feb. 20, 1941.

In accordance with the directions contained in the above captioned letter, I called on Colonel Theodore Wyman, Jr., District Engineer, United States Army, for information regarding subject alien and particularly whether the alien applicant had ever in any manner represented or assumed himself to be a citizen of the United States.

Colonel Wyman in substance stated that he first became acquainted with the alien in California some time ago. That the Rohl-Connolly Company, with which the alien is associated, had done construction work for the Department of the Interior in the Indian country as well as projects on the Colorado River. During the construction of a breakwater in the California area, Colonel Wyman came in contact more or less with Mr. Rohl. During those business relations in California, Colonel Wyman assumed without any basis therefor that Mr. Rohl was a citizen of the United States. He knew from hearsay that Rohl was born in Germany and that his father had been a professor of engineering in a German university. Colonel Wyman stated the applicant gathered about him in his organization only high-grade men. That the quality of his work was excellent. Contracts were always faithfully carried out. That Mr. Rohl was a man of integrity. His outstanding social [4114] diversion was yachting.

As a result of the national defense efforts, the Rohl-Connolly Company, W. E. Callahan Company and another group, organized the Hawaiian Constructors, Ltd., to procure construction contracts in Hawaii. It was in connection with one of these projects that Colonel Wyman wrote his letter of January 22, 1941, to Mr. Rohl. To summarize in a word, Colonel Wyman said the alien never represented himself to be a citizen of the United States and if there was any misunderstanding in that regard it was due to the assumption of such citizenship by the Colonel himself.

[SEAL]

(Signed) JAS. P. DILLON,
U. S. Naturalization Examiner.

In the lower left-hand corner, under date of March 1, 1941, appears the following endorsement:

Respectfully referred to District Director, Los Angeles District.

(Signed) W. G. STRENCH,
District Director, Honolulu District.

[4115] Then, in this same file, a letter from the United States Department of Justice, Immigration and Naturalization Service, Honolulu, Hawaii. Over to the right, "665/Rohl," dated March 24, 1941, to the District Director, Immigration and Naturalization Service, Los Angeles, California:

(Letter dated March 24, 1941, from district director, immigration and naturalization service, Honolulu, to district director, Los Angeles, California, is as follows:)

Your File 23/101650, HANS WILLIAM ROHL, March 13, 1941.

The American Yacht "VEGA" arrived in Honolulu, T. H., January 21, 1938, from Balboa, C. Z., with four passengers and sixteen (16) in the crew. The passengers, among whom was your applicant, were passed by our boarding inspector as United States citizens upon their declarations manifested on Form 630. The data set out in the manifest appears as follows:

H. William Rohl, (M) Born 9/29/1886 at Tola, Kansas.

Floy E. Rohl (F) Born 10/27/1897 at Tola, Kansas.

Dr. Karl Lewis (M) Born 1/23/1891 at Grand Ridge, Ill.

Virginia Lewis (F) Born 4/2/10 at St. Louis, Mo.

The crew list was visaed at Nassau, Bahamas, again at Balboa, C. Z., as there were five aliens among the members.

Signed, "W. G. Strench, District Director, Honolulu District."

I desire to read at this time a portion of the very brief extracts from the examination of Mr. Rohl by the Immigration and Naturalization Service, being an investigation conducted by United States Immigrant Inspector, Frank G. Ellis, in the [4116] Los Angeles local office, Los Angeles, California, May 22, 1941, at 9:30 A. M., in the English language:

(Portion of examination of Mr. Rohl by Inspector Ellis, Immigration and Naturalization Service, May 22, 1941, is as follows:)

Question. Did Lieutenant Colonel Theodore Wyman, Jr., of the War Department, Honolulu, T. H., write you on January 22, 1941, in regard to construction work in the Hawaiian Islands?

Answer. Yes.

Question. Didn't Mr. Wyman state in his letter to you, he desired to have you proceed to Honolulu and consult with the engineers in regard to that contract?

Answer. Right.

Question. Did you, in conformity with that request go to Honolulu to look after that end of the business?

Answer. No.

Question. Did some other member of the firm proceed to Honolulu?

Answer. Mr. Grafe; he is the partner of the W. E. Callahan Company, who are in the venture with us. I didn't go because I didn't want to be placed in a position whereby I had seen plans, contracts of secret nature, without first being a citizen.

Question. Did Lieutenant Colonel Wyman know that you were still an alien when he corresponded with you in regard to this contract?

Answer. This was after the contract was awarded. [4117] When he was our district engineer here in Los Angeles, I knew him and Joe Connolly Company built the breakwater under him at San Pedro.

Question. Are you personally acquainted with Lieutenant Colonel Wyman?

Answer. Oh, yes.

Question. Did you ever at any time state to Mr. Wyman, that you were a citizen or you were not a citizen?

Answer. No, sir. I believe he was interviewed by your office in Honolulu. I am under the impression that Colonel Wyman still wants me over there, regardless of my status.

Which indicates, if the Board pleases, that Mr. Rohl knew that Colonel Wyman was interviewed at Honolulu on that express point.

Now I am reading from the same examination, page 14, as follows, again question of Mr. Rohl by the same inspector:

Question. Have you anything further that you wish to state?

Answer. I would like to say that the defense contract we have in Honolulu, is not a money making venture. We were requested to take that contract and they especially wanted me in on it because I have done a lot of work for Colonel Wyman, and he believes that I am able. We considered it our duty to take that contract. We are donating our services, that is why I am anxious to expedite this investigation in my case.

31. Colonel TOULMIN. I think the record ought to show at [4118] this point that the fee, as testified to in this record, was \$1,070,000, as I recall it, as the result of Mr. Rohl's "donation."

32. Major CLAUSEN. Yes, sir.

Now I should like to read into the record a final letter. This is from the United States Department of Justice, Immigration and Naturalization Service, Los Angeles, California, file No. 16541/2171, dated May 28, 1941, to the District Director, Los Angeles, California:

(Letter dated May 28, 1941, from Inspector Shaw, immigration and naturalization service, to district director, Los Angeles, California, in re Hans William Rohl, is as follows:)

In re HANS WILLIAM ROHL, C. O. No. 280-D-2084 of 2/4/41, 2/20/41, and 3/14/41.

There is attached hereto Form 565, Application for Warrant of Arrest, prepared covering the above-named alien and containing the charge as indicated by the code word "Visible."

The evidence attached to the Form 565 indicates that the subject first entered the United States at the port of New York, New York, on the SS "Santa Marta" on October 23, 1913, at which time he was inspected and admitted as an immigrant; that he next arrived at the port of New York, New York, on the SS "France" of the French Line on January 16, 1925, at which time he was admitted to the United States for permanent residence upon surrendering Reentry Permit No. 20820 which was issued at Washington, D. C., on November 28, 1924.

The alien testifies that he entered the United [4119] States 10 or 12 times in 1932 at the port of Laredo, Texas; that at that time his company was engaged in constructing a road or highway in Mexico. He claims that he was never questioned by immigration officers and the Laredo office advises that they have no record of such entries. Therefore, it is presumed that such entries were without the inspection contemplated by the immigration laws then in existence. In 1933 the alien made a trip from the east coast of the United States on his wife's private yacht "Ramona." On this trip the "Ramona" put in at Acapulco, Mexico, for fuel and then proceeded to San Diego, California, where it entered. The records at San Diego fail to show the name of the subject on either the passenger or crew list.

The alien further testifies that in 1937 he boarded the yacht "Vega" at Jacksonville, Florida; that this vessel then proceeded to Nassau, B. I., where the crew list was visaed; that the yacht then proceeded to Balboa, Canal Zone, thence to Honolulu, T. H., where the yacht arrived on January 21, 1938; and that he cannot remember being inspected by the Immigration officers at the time of that arrival. However, a letter from the District Director, Honolulu, which is attached to the Form 565, states that the passenger manifest filed with that office covering the arrival of the yacht "Vega" lists the name of H. William Rohl as being born in Tola, Kansas, and that the subject was passed as a United States citizen.

[4120] The charge "Visible" is being brought on the following theory: Any legal residence which the alien had was cancelled by his departure to

Mexico in 1932 and re-entering the United States without inspection; that all residence in the United States subsequent to his last entry to the United States at Laredo, Texas, was illegal; therefore, upon his arrival at Honolulu, T. H., on January 21, 1938, he was not returning to a lawful residence; that the vessel on which he arrived was coming from a foreign port or place; that he gained admission through misrepresentation and, if the truth were known, he would have been required to present an unexpired immigration visa.

Signed, "Judson F. Shaw, Inspector in Charge, Los Angeles Local Office."

You know, Mr. Butterfield, that Mr. Shaw was the Inspector in Charge?

Mr. BUTTERFIELD. Yes, sir.

33. Major CLAUSEN. There is in the file an application, just a formal application for warrant of arrest, based upon the action.

I have no further questions to ask Mr. Butterfield.

34. General GRUNERT. Are there any other questions? (No response.)

Mr. Butterfield, have you anything to state, to add to what has been told to the Board, that might enlighten the Board on this situation?

Mr. BUTTERFIELD. Except one thing, where the Major called attention to the wording of a letter where we were [4121] directed to make it special and rush it through. I might say, for the purpose of the record, that at that time in the Los Angeles office I believe there was an arrearage of perhaps two or three months in handling applications for naturalization, and it was the policy at that time to expedite, to give preference to, applicants who were necessary or desired in the national defense.

35. General GRUNERT. That appears to be all. Thank you very much for coming.

Mr. BUTTERFIELD. Thank you.

(The witness was excused, with the usual admonition.)

36. General GRUNERT. There appear to be no more witnesses this afternoon, but I have several things here we might as well use a little time in getting into the record. Are you ready to dictate into the record a Hoffman letter and also a reference or have his testimony copied therein?

37. Major CLAUSEN. Yes, sir; I am ready to do that.

38. General GRUNERT. All right; go ahead.

39. Major CLAUSEN. This is a letter received from Mr. Robert Hoffman:

(Letter dated September 9, 1944, from Robert Hoffman to Lieutenant C. F. Murphy, Army Pearl Harbor Board, is as follows:)

NEW YORK, N. Y., September 9, 1944.

Lieut. C. F. MURPHY,

% Army Pearl Harbor Investigating Commission,
Munitions Bldg., Washington, D. C.

MY DEAR LIEUT.: This will acknowledge your long distance phone [4122] call to my home in Bronxville, from your San Francisco office.

Your call was a surprise in view of the fact that my testimony was taken by the House Military Affairs committee during the month of January 1944. For probably political reasons, none of the testimony that was taken in Executive Session at that time was ever published—and you may well imagine, that I am more than ordinarily displeased about the matter, as I had come all the way from Mexico City at their urgent request.

I do not feel that your military commission will accomplish much more, nor that the final report of the Army Commission, if displeasing to the present administration, will ever be published. Being familiar with some of the important facts that are being shielded in Washington, as regards the delayed defenses of Hawaii—I feel within reason that a potential whitewash is in the making, regardless of the honesty of the Generals on the committee.

There is only one solution to my testifying before your commission, and that is that my testimony, be held in the open, with newspapermen in attendance. Under no other conditions, would I consider coming before the committee. In fact, I would rather not come before them at all, as the commission, could not impartially give an opinion, as long as it was dominated by the present administration setup.

You may well believe, that I am neither [4123] Republican, Democrat, nor do I harbor any of the isms so prevalent thruout the country. Also that I have no axe to grind, nor no desire to hurt anyone. But to get the truth, you must have impartial men on the hearing board, and it should be out in the open—as there is no reason for the excuse of Military Security at this time. I have no intention of being a political goat, as has been the case of both Walter Short and H. E. Kimmel.

Thanking you for your courtesy, believe me to be,

Very truly yours,

ROBERT HOFFMAN.

Now I make reference, following the letter, to Exhibit No. 8 in evidence before the Board, Exhibit No. 8-A in evidence before the Board, being testimony given on January 24, 1944, and January 27, 1944, at a hearing held before the Special Committee of the Committee on Military Affairs of the House, being the testimony of Mr. Hoffman which is here.

And then I make reference to Exhibit 8-B in evidence, being the statement by Robert Hoffman which has been referred to in the testimony of Mr. Hoffman before the House Committee and which has been referred to by several witnesses before this Board.

40. General GRUNERT. Then, the exhibits you have referred to there have already become the Board record?

41. Major CLAUSEN. Yes, sir; they are in evidence before the Board.

42. General GRUNERT. All right.

(Thereupon the Board, at 3:56 p. m., having concluded the hearing of witnesses for the day, proceeded to other business.)

[4124]

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[4125] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

WEDNESDAY, SEPTEMBER 27, 1944

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 10 a. m., pursuant to recess on yesterday, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President, and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; and Major Henry C. Clauson, Assistant Recorder.

Absent: Maj. Gen. Henry D. Russell and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF MAJOR GENERAL HOWARD C. DAVIDSON, COM-
MANDING TENTH AIR FORCE, KANJAKOHA, ASSAM

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. General, will you please state to the Board your name, rank, organization, and station.

General DAVIDSON. Howard C. Davidson; Major General; commanding Tenth Air Force, Kanjakoha, Assam.

2. General GRUNERT. General, this particular part of our investigation will be conducted by General Frank.

3. General FRANK. On what duty were you, in the latter part [4126] of 1941?

General DAVIDSON. I had command of the Fourteenth "Fighter Wing" it was called then, and when I came back to the United States to attend a maneuver in Seattle the last part of October, I believe it was, or the first of November—

4. General FRANK. You came back to the States, the latter part of October?

General DAVIDSON. Yes, sir. When I came back, and while I was over here, the Fourteenth Fighter Wing was reorganized, and part of the staff was taken to man the base complement, and the rest of it was taken to start a "fighter command;" I believe they called it, the Seventh Fighter Command, finally.

5. General FRANK. This reorganization occurred while you were absent in the States?

General DAVIDSON. Yes, sir.

6. General FRANK. When did you return to Honolulu?

General DAVIDSON. I got back to Honolulu on, I don't remember whether it was the 3rd or the 4th of December. It was either the 3rd or the 4th, I can't recall exactly.

7. General FRANK. At that time, the aircraft warning service was being whipped into shape by the Signal Corps?

General DAVIDSON. No, sir. I was sent to the United States to observe some maneuvers at Seattle, to show what an aircraft warning service was like; and just before I left, we had organized, out of pick-up material, a temporary set-up, to teach the operatives how to work an aircraft warning system when we got one started.

8. General FRANK. You say "we" did that. Whom do you mean by "we"?

[4127] General DAVIDSON. Well, the air people, General Martin's office, and the Signal Corps, together, got busy and built a little, temporary building on top of a warehouse down there near Fort Shafter, a room about as large as this, just a little larger than this.

9. General FRANK. That was your information center?

General DAVIDSON. That was our information center. That was the elements of the information center, which we were using to train the operatives. We had no intention of using that as an information center; at least, we thought we had no intention of using that as an information center. We did however use that after the attack on December 7. We started in June to building the permanent set-up for the information center.

10. General FRANK. That was the one underground?

General DAVIDSON. Yes, sir. We were digging an underground set-up, to fix up an information center, a permanent installation; but the equipment for that did not arrive until about a year later, about June 1942.

11. General FRANK. Under whom was this temporary aircraft warning service operating?

General DAVIDSON. Major Bergquist was you might say in direct charge of getting the personnel trained from the Fourteenth Fighter Wing side of it. He was my man, helping to get the set-up and to get the men trained; and Colonel C. A. Powell was the signal officer, and he was largely instrumental in getting the little field telephones and various items.

12. General FRANK. That is, the technical equipment?

General DAVIDSON. The technical equipment, into this set-up. We had the blueprints for it.

[4128] 13. General FRANK. How much did it operate, for this training purpose?

General DAVIDSON. We operated it. I might interject, here, that before I left to go to these maneuvers at Seattle, it was not in operation, and when I got back it was being operated in the early morning each day.

14. General FRANK. Every morning?

General DAVIDSON. Yes, sir. It was only operated to train the operatives, though. For instance, as you know, an information center has a number of various people, like the antiaircraft officer, and the Navy liaison officer, and the Transport Command officer, and all the various ones to help the controller. It was only operated with a controller, and none of those others were present. In other words, there was

no machinery to tell whether any plots on the board were friendly or hostile, we were simply operating them to teach the soldiers how to run one of these boards, which they had never seen and were not familiar with.

15. General GRUNERT. That was prior to your departure?

16. General FRANK. No.

General DAVIDSON. No, sir. Prior to my departure, they started building this little set-up. We wanted to build it at Wheeler Field, and Colonel Powell, I think, built it over this little warehouse, because that was his warehouse, and he had control over it, and it was near his equipment.

17. General GRUNERT. Then what you have described is what you found when you got back from your trip?

General DAVIDSON. Yes, sir. When I got back, I found this little, temporary set-up, there, that was being used to [4129] train the operatives. That was the principal use, you could call it.

18. General FRANK. Under whose direction was this thing operating?

General DAVIDSON. General Short, I think, had ordered it to be operated every morning.

19. General FRANK. Well, what I am getting at is, was it operating under your direction, or under Powell's direction?

General DAVIDSON. That's very hard to say, because most of the men that were being trained there were Powell's men. Practically none of them were my men. They were Signal Corps men that were operating the board.

20. General FRANK. But the training was under Bergquist's supervision?

General DAVIDSON. It was under Bergquist's supervision. We had sent Bergquist back to New York, and he had gone through a course at Mitchell Field.

21. General FRANK. With whom? Who came back with him? Tindall?

General DAVIDSON. Tindall. Colonel Tindall, he is now, but he was a Major then. Major Tindall and Major Bergquist had both been sent back to Mitchell Field to learn how to operate this, but Tindall, he helped us in getting the personnel together, but he didn't have nearly as much to do with getting the information center set up as Bergquist did. Bergquist was very active and very intelligent on that work?

22. General FRANK. We have had testimony previously to indicate that the installation was being accomplished under the supervision of the Signal Officer.

[4130] General DAVIDSON. I wouldn't deny that, at all, because the signal officer was very active in pushing this, to try and just get anything that would work, there, and teach our people how to?

23. General FRANK. And, that there was some discussion in department headquarters with respect to the time at which this should be turned over to you as the interceptor commander.

General DAVIDSON. There was; yes, sir. There was a little problem there of just when these men would be trained and turned over to us; I can remember that.

24. General FRANK. And, while there was no clean-cut assignment of duties, nevertheless, Bergquist, as the air representative——

General DAVIDSON. "Controller," we made him.

25. General FRANK. —the controller, had charge of the training of the personnel, and this was being done in a fully cooperative manner with the Signal Corps people?

General DAVIDSON. That's right. There was no conflict at all. We had nothing but cooperation between the two branches, the Signal Corps and the air. They were both doing their best as far as I could see to try and anticipate the day that we would have fighter control there, and we would be all ready to operate it when we got it.

26. General FRANK. The attack came on the morning of December 7?

General DAVIDSON. Yes, sir.

27. General FRANK. You are familiar, are you not, with the fact that the radar out at Opana Point picked up in the oscilloscope the approach of the Jap attack?

[4131] General DAVIDSON. Yes, sir.

28. General FRANK. There was no action taken on that, because the Sunday morning practice had terminated at 7 o'clock.

General DAVIDSON. That's right.

29. General FRANK. And those people just happened to be on the job out there, waiting for transportation to take them to breakfast?

General DAVIDSON. That's practically it. What Lockard told he was, that the man he was working with was a cook that had come up and asked him to show him how the 'scope worked, and he had gotten permission from the sergeant to show this cook how the radar 'scope operated.

30. General FRANK. You stated just a moment ago that the development of this training had not progressed to the point where you had begun to train any liaison officers?

General DAVIDSON. I don't think so, sir. I don't think there were any liaison officers being trained, there.

31. General FRANK. Had you asked for any?

General DAVIDSON. You have me at a disadvantage, there——

32. General FRANK. I realize that.

General DAVIDSON. —because I got back from the United States, and I made my report on this radar, to General Martin, two days, on the information set-up. It took me about two days to get through, and the next day was Saturday, and the attack happened on Sunday; so it is very difficult for me to say just whether anybody had asked for the additional liaison officers; but as far as I know, they had not.

33. General FRANK. From your point of view, do you feel that there was any delay in the installation of the aircraft [4132] warning service?

General DAVIDSON. We thought there was, sir. We had been very anxious to get the equipment and the installation in, and were told that we would go over to this maneuver, and we sent three men over, including Colonel Powell and Colonel Meehan and myself, to Seattle, to see how it would work and how it should work, and what we could do to get our installation in.

34. General FRANK. Where was the delay, from your point of view?

General DAVIDSON. I think the delay was all down the line, because

the equipment was not sent to us until, I would risk a guess, at about June 1942, and while I was at this same maneuver, orders came in for Colonel Taylor to go over to Manila and start installing a fighter control there; and he was caught on the water, December 7, on his way to Manila to take the information over to them or just what they should do to start a fighter control.

35. General FRANK. He was going to accomplish, in Manila, what Bergquist was accomplishing, in Honolulu?

General DAVIDSON. What Bergquist was doing in Honolulu, yes, sir.

36. General FRANK. You say this delay was all down the line. From your point of view, was there any delay in construction that could have been avoided?

General DAVIDSON. I don't know, sir. They finally got busy on this tunnel. This tunnel where we were going to put the information set was far enough along for them to use it for several days after the attack on December 7, to house [4133] 300 or 400 people in it, so they had gotten busy on that, and were going along, I thought, fairly well.

37. General FRANK. That was being used as a bomb shelter?

General DAVIDSON. As a bomb shelter; after the attack, they used it as a bomb shelter to house a lot of the women and children on the island.

38. General FRANK. How soon after the attack did this temporary AWS start operating?

General DAVIDSON. Right away.

39. General FRANK. The same day, or the next day?

General DAVIDSON. Oh, I would say the same day, sir. Maybe they didn't get the liaison officers up there till the next day, but they certainly—they got the set working. The enlisted men were all working there on the same day.

40. General FRANK. The point about it is that had there been sufficient pressure put on, it could have been operating to a certain degree of efficiency, a week prior to that?

General DAVIDSON. That might have been so.

41. General FRANK. They had had maneuvers?

General DAVIDSON. Yes, sir; we had had a maneuver.

42. General FRANK. And it had operated efficiently?

General DAVIDSON. And it had operated; it had operated.

43. General FRANK. Therefore, it could have operated with a degree of effectiveness from November 27 on, could it not?

General DAVIDSON. I would say that's true. I think they had two radars in operation by that time, one at Fort Shafter, and one at Opana.

44. General FRANK. On December 7, they had one at Kawaihoa, one at Opana, and one at Kaaawa?

[4134] General DAVIDSON. Kaaawa? That is the low one, over there?

45. General FRANK. Yes.

General DAVIDSON. That may be so. Maybe there were three, but I know there were two in operation by December 7. The Kaaawa one, though, was not very satisfactory. It operated very poorly.

46. General FRANK. On the other hand, it did pick up at various times that morning and make reports on the incoming planes?

General DAVIDSON. I don't know that, but it only operated when they got very close. It was just a very close-in kind.

47. General FRANK. Now, with respect to the airplanes, you are familiar with the fact that they were on a No. 1 Alert for sabotage?

General DAVIDSON. I got back from this trip to the States, and I was told that they had been taken off of alert and had been instructed that the danger from sabotage was much greater than the danger from an enemy attack, so they had been brought in from all of the bonkers that we had built for them, dispersed around the field, and had been concentrated on the flying mat, on the warm-up mat in front of the hangars, so they could guard them better; and we had about fifty guards around them to protect them from sabotage.

48. General FRANK. In this No. 1 Alert was there any percentage or any number of those planes that were on an immediate alert?

General DAVIDSON. I don't think so, sir. I don't know of [4135] any.

49. General FRANK. The situation was so new to you, because of your so recent return?

General DAVIDSON. I can't recall, now. Just as you said, I had just gotten back. I found my staff split up, half of it had gone to operate the basis, half of it had been left to form a nucleus for a fighter command, and I was busy making my report to General Martin, so I couldn't tell you now whether any of them were on specific alert on that morning or not.

50. General FRANK. What was Tindall's job, do you remember?

General DAVIDSON. I think he was a group commander, at that time.

51. General FRANK. At Wheeler Field?

General DAVIDSON. Yes, sir; a fighter group commander.

52. General FRANK. And Bergquist was acting as controller?

General DAVIDSON. You might say he was our principal controller in teaching.

53. General FRANK. About the information center?

General DAVIDSON. At the information center.

54. General GRUNERT. General, I have a number of questions, here, but, realizing your absence from the Hawaiian Department will necessarily handicap you in answering some of them, if I ask some questions here of which you have no knowledge, just say so.

General DAVIDSON. Yes, sir.

55. General GRUNERT. Just what date did you leave the Hawaiian Department to go to the Seattle demonstration? Approximately what date?

[4136] General DAVIDSON. It was approximately about the middle of October, as I remember it.

56. General GRUNERT. Middle of October, and you returned December 5th?

General DAVIDSON. About December 4th or 5th, yes, sir.

57. General GRUNERT. And prior to the middle of October how long had you been in command of that wing?

General DAVIDSON. That is October 1941. Since about the first part of May 1941.

58. General GRUNERT. Then, in these questions that I ask you, you can answer them from May to the middle of October and after December 5th; is that right?

General DAVIDSON. Yes, sir.

59. General GRUNERT. Do you know of an S. O. P. gotten out by the Department under date of November 5th which prescribed that an interceptor command under—I believe under your command, was organized. That particular part of that S. O. P. did not state when it would be activated, but left the intimation that it was then in being. Do you know of your own accord it was not in being at that time?

General DAVIDSON. Not an interceptor command, no, sir; not as we know it.

60. General GRUNERT. Do you know when it was actually activated? I believe we have record December 17th. Does that ring a bell with you?

General DAVIDSON. I believe it was, yes, sir, just about December the 17th, and the interceptor command was—

61. General GRUNERT. Were there any tests or exercises held prior to the time you departed from the Hawaiian Department, [4137] in connection with the Navy, in which the air warning service was used?

General DAVIDSON. We tested it out prior to my departure, and on that particular exercise it worked out very well.

62. General FRANK. How many radar stations were operating?

General DAVIDSON. Well, we got most of our information from the one right at Fort Shafter, but I couldn't say whether the Opana station was operating, or the Kaala, or not.

63. General GRUNERT. Then, you don't know why the interceptor command was not activated prior to December 17th and why it was not activated prior to December 7th?

General DAVIDSON. No, sir, I do not, except up till that time they had had what they call fighter wings, and we did not have interceptor commands.

64. General GRUNERT. Do you know anything about the joint Army and Navy drill and test that was held between the 17th and 22nd of November in which the air warning service operated apparently very satisfactorily and on which Colonel Powell made a report to that effect?

General DAVIDSON. I didn't get those dates, sir.

65. General GRUNERT. 17th to 22nd of November.

General DAVIDSON. On those dates Colonel Powell was with me in the United States.

66. General GRUNERT. At the same time he made a report on the satisfactory operation of the air warning service, to his chief, which was afterwards quoted by the Secretary of War to show that the air warning service operated satisfactorily at that time.

General DAVIDSON. The only thing I know is, sir, that he [4138] was with us on this maneuver in Seattle at that time.

67. General GRUNERT. Then, he evidently wrote that after he got back, from reports he had and from investigation he made?

General DAVIDSON. He must have, because he could not have reported on it at that time. I know that.

68. General FRANK. From first-hand knowledge?

General DAVIDSON. From first-hand knowledge.

69. General GRUNERT. In your command did you have any training planes, any planes that were in training that were on reconnaissance missions?

General DAVIDSON. No, sir. I had only fighters.

70. General GRUNERT. Fighters. And they would not be used for reconnaissance purposes?

General DAVIDSON. No, sir. They were P-40s, and I don't believe we even had the use of belly tanks then: they were very short-range.

71. General GRUNERT. What did you have to do with anything as to the immediate ground protection of your airfield or airfields?

General DAVIDSON. We had a very, what we thought, peculiar order on that. We had an order not only to protect our ground installations but to furnish, as I recall it, 500 men to go over and protect any place that the ground people designated, and they had designated a part of Schofield Barracks for us to protect.

72. General GRUNERT. How many of that—was that 500, or were those men out on that duty under Alert No. 1, the sabotage alert, on December 7th?

General DAVIDSON. No, sir, they didn't go out on it until [4139] the troops marched out of Schofield Barracks after December the 7th; and then our men, in addition to protecting Wheeler Field, had to go out and protect Schofield Barracks, and I think they stayed on that for about a month or so after December the 7th.

73. General GRUNERT. The S. O. P. of November 5th called on the air forces and gave them missions of such protection, but the evidence shows that they were not out on such duty on December 7th. But did you consider that those men were available to you for air purposes, or had to be kept for that other duty?

General DAVIDSON. I couldn't answer that, General. The day I got back, almost, you are talking of.

74. General GRUNERT. Just what field did you have charge of or command of?

General DAVIDSON. Wheeler Field.

75. General GRUNERT. Just Wheeler Field?

General DAVIDSON. Yes, sir.

76. General GRUNERT. And there you had a post commander, and you were the tactical commander; is that right?

General DAVIDSON. I was the post commander too when I left, and when I came back a part of my staff had been split up, and Colonel Flood was the post commander and I was the tactical commander.

77. General GRUNERT. All right. Now, under the standing orders what protection did you provide for Wheeler Field prior to your departure? Ground protection.

General DAVIDSON. We simply furnished as many sentries as we thought were necessary to protect it.

[4140] 78. General GRUNERT. Did you have any emplaced machine guns?

General DAVIDSON. We had the machine guns. The emplacements were built, but the guns were not manned all the time.

79. General GRUNERT. Did you have an S. O. P. for its own protection, of Wheeler Field?

General DAVIDSON. Yes, sir; and when we were on alert, then the guns were manned.

80. General GRUNERT. Were they so manned on December 7th; do you know?

General DAVIDSON. They were not, sir, because we had been taken off that.

81. General GRUNERT. You were on a sabotage alert?

General DAVIDSON. We had been taken off of No. 1 Alert and had gone on a sabotage alert.

82. General GRUNERT. And the sabotage alert did not envision an attack on the field? Just destruction of the equipment on the field?

General DAVIDSON. Yes, sir.

83. General FRANK. Had the alerts been readjusted during your absence?

General DAVIDSON. Yes, sir.

84. General GRUNERT. Do you know whether or not General Burgin, the antiaircraft commander, turned over his antiaircraft to you on December 7th as part of the interceptor command?

General DAVIDSON. I do not believe that the antiaircraft was ever turned over to the interceptor command on any date.

85. General GRUNERT. Although the interceptor command as such did not exist during practice drills, the evidence shows that [4141] the antiaircraft was turned over to the so-called command that existed, although it was not an interceptor command, for those practice tests and drills.

General DAVIDSON. No, sir. The antiaircraft command was under the command of the antiaircraft officer who was in the information center, but it remained under the command of General Nichols, I believe, who was the antiaircraft commander.

86. General GRUNERT. By turning over, I mean that particular part of the system of handling antiaircraft by an interceptor commander which amounted to saying, "We are ready to see what the controller—when the controller takes over," and he tells the antiaircraft to fire or not to fire.

General DAVIDSON. He could tell them to hold fire or that they were free to fire, and that is almost the limit of that.

87. General GRUNERT. That is what I meant by turning over the antiaircraft to the interceptor commander.

General DAVIDSON. Yes.

88. General GRUNERT. Was that done on December 17?

General DAVIDSON. I wouldn't remember that, sir. I don't remember, but it was the common practice at all times for that to be: that the antiaircraft commander present at the board had complete control of the hold-fire or open-fire of all the antiaircraft on the island, and he in turn was under the control of the controller.

89. General GRUNERT. Right.

90. General FRANK. Who was an air officer?

General DAVIDSON. Who was an air officer.

91. General FRANK. And your representative?

[4142] General DAVIDSON. And my representative, yes, sir. But we wanted to have control of the antiaircraft, and we asked for that time and again and were never given control of the antiaircraft by the interceptor command; and the reason given for that was that they had sighted the guns so that they could repel attacks from the beaches; therefore they didn't want the guns completely under the control of the interceptor command.

92. General GRUNERT. In other words, they had a dual mission?

General DAVIDSON. Yes, sir.

93. General GRUNERT. Ground and air?

General DAVIDSON. They had two missions.

94. General GRUNERT. Now, as to the air warning service and the degree of training of the personnel on December 7th, do you consider that that degree of training was such that they could have operated efficiently or semi-efficiently on that date?

General DAVIDSON. They seemed to do very well after that date, and I assume that they were just about ready by that time to start operating.

95. General GRUNERT. Now, prior to your departure for the States on temporary duty were you ever called in by General Short for conferences, periodic or special?

General DAVIDSON. Yes, sir. And we made violent protests on having to furnish those ground troops: those air troops to protect ground and targets, but we were overruled on that.

96. General GRUNERT. Were you kept in touch with the international situation as to what was happening between Japan and the United States? Were you kept informed of the tenseness of the situation?

[4143] General DAVIDSON. As far as I know, we were not, and had very little inkling of the crucial point to which negotiations had come.

97. General GRUNERT. That was up to the time you left, October?

General DAVIDSON. Well, and when I got back I saw no signs of any knowledge that international negotiations had reached a crisis.

98. General GRUNERT. To whom would you look for such information when you got back, in order to catch up on the situation in Hawaii and in your command at that time?

General DAVIDSON. Well, the information, we would have gotten it by inference, from changing the sabotage alert to No. 1 Alert, which would be getting ready for an attack.

99. General GRUNERT. Then, did you think because you were in the sabotage alert there was practically no imminence of an attack?

General DAVIDSON. That is right, sir.

100. General GRUNERT. Now, the S. O. P. of November 5th called for a concentration of planes under No. 1, the sabotage alert, but the evidence shows there were two separate telegrams received directing that particular concentration. Do you recall those?

General DAVIDSON. I didn't get the dates there, General.

101. General GRUNERT. It probably was along November 27th or shortly after that. Have you any knowledge of—

General DAVIDSON. I don't know, sir.

102. General GRUNERT. —special telegrams that ordered the concentration, to be sure that they were concentrated?

[4144] General DAVIDSON. To concentrate them for the sabotage alert? I was told that telegrams had come in to do that, but I couldn't state myself where they came from nor when they were sent.

103. General GRUNERT. Now tell me about the difference in protection of the planes against sabotage in concentration versus dispersion.

Let me first ask you this question: Would you of your own accord have concentrated them as better protection against sabotage, or kept them dispersed feeling that you were better protected all around?

General DAVIDSON. At that time, General, I would have concentrated them. I never would concentrate them again, anywhere, but at that time I thought they were better concentrated to protect them against sabotage than they were scattered out all around the field.

104. General GRUNERT. Did it ever pass through your mind at any time that a concentrated bunch might be more hazardous in the line of damage that might be done to them than scattered ones?

General DAVIDSON. Yes, sir. I think in June General Short had built a number of what we call bunkers: threw up earthen walls all around Wheeler Field, and we had space I believe for about 125 airplanes in those bunkers, and we kept them in there during the alert, thinking that it would protect them more from a strafing attack. I know now that it wouldn't, but at that time we thought it would. That is not quite true. If they are all concentrated on one big mat, they are easier to attack than they are if they are scattered around the field, [4145] but the bunkers will not protect them against strafing attack of machine guns when he is shooting right at them.

105. General GRUNERT. As to danger from fire, which affords the most protection?

General DAVIDSON. Well, of course—

106. General GRUNERT. I mean fire, actually flames.

General DAVIDSON. Well, the more dispersed they are then the less chance you have of spreading the fire.

107. General GRUNERT. And in sabotage or attack that question of fire is a great hazard?

General DAVIDSON. Yes.

108. General GRUNERT. What was Commander Taylor doing with the establishment and perfection of the air warning service and the control center? Do you know Commander Taylor?

General DAVIDSON. Commander Taylor was loaned to us by the Navy and was very useful in getting the various installations perfected to put in this information center and was, as near as I can express it, Bergquist's assistant, and he stayed with us for, I would say, a month after December the 7th.

109. General GRUNERT. Did you know anything about this youngster Tyler that was in the control center on the morning of the 7th, who is alleged to have received this message from the Opana station as to the incoming bunch of airplanes? What was he doing there?

General DAVIDSON. He was the officer acting as controller, and it would have been an act of great prescience if it had clicked in his mind that those were enemy planes, but at the time that he was looking at the control board there were about [4146] 15 plots on that board in areas that could have been enemy planes, and he would have had to look at all the other 15 and say, "Those are not enemy planes, and this one plot that is coming in is enemy planes."

110. General GRUNERT. Do you attach any blame on him for his not having notified the air forces or the headquarters or the Navy, or whatnot, of this?

General DAVIDSON. No, sir, I cannot. He had no means of knowing those were not enemy planes. We did not have IFF on the planes until at least eight months after the attack.

111. General GRUNERT. Did you at that time have any way of telling who was who in the air?

General DAVIDSON. No, sir; except after that we would have the air-planes report in their position when they got within about 100 miles of Oahu, but that was our only means right through.

112. General GRUNERT. You spoke of not having received the equipment for the communication or control center until about the middle of 1942.

General DAVIDSON. That is right, sir.

113. General GRUNERT. Do you know why such delay for your permanent control center?

General DAVIDSON. I just imagined that it hadn't been made, sir, because we were ready for it, we wanted it right away, and we couldn't get it, so it must not have been available here to ship to us.

114. General GRUNERT. Do you have any knowledge of why, after Bergquist's return from his course of instruction at Mitchell Field and his desire and great interest in getting some sort of [4147] warning service established—why he was not encouraged and helped out, and it took such a long time from the time he got back up to the time they actually started to prepare the air warning service?

General DAVIDSON. No, sir, except there weren't any in the United States. They prepared one in Mitchell Field, and the next one that they put in was in Seattle, and that wasn't opened up until right around the first of November, last of October or the first of November.

115. General GRUNERT. Tell the Board what you found in Seattle, to give us an idea of the state of progression of establishing air warning centers all over.

General DAVIDSON. At Seattle, General Walsh had established a very excellent warning center, central warning center, with about three subsidiary centers around there, and they had ordered in airplanes from all over the United States to carry out maneuvers to test out this center and see how effective it was; and they had ordered in observers from various places, including Hawaii, to get the knowledge, first-hand knowledge, of the operation of one of these centers.

116. General GRUNERT. And about what time, what month was that? What part of the month?

General DAVIDSON. It was the last of October or the first of November, right around between those two dates, and I would say from the 25th of October to about the first of November, 1941.

117. General GRUNERT. And you stayed there all that time, and why didn't you get back to Hawaii prior to December 5th?

General DAVIDSON. I was given a mission then by General [4148] Martin to take Colonel Powell to New York to get additional drawings and also to see if we couldn't get the equipment for this center, and we went then to New York—he went to New York, I came to Washington, and then went to the maneuvers in North Carolina for a day, to see how the center was working there, before going back to Hawaii.

118. General GRUNERT. Do you know what pressure was brought by the Commanding General of the Department to further the completion of the air warning service, if any?

General DAVIDSON. No, sir. It would seem like it was something new to him, and he cooperated with us, but I don't know of any pressure that he brought to bear.

119. General GRUNERT. Had you known that there was imminence of war and if you had feared an attack on Hawaii within a reasonably short time, what could have been done to get that air warning service in better shape to operate by December 7th?

General DAVIDSON. Well, we could have had the board fully manned and the airplanes on the alert.

120. General GRUNERT. Does it make any difference whether they had been on Alert 2 or 3 as to the air warning service and the operation of the control board?

General DAVIDSON. Yes, sir, because when we came off of No. 1 Alert we had—

121. General FRANK. What do you mean by No. 1 Alert?

General DAVIDSON. That was with the airplanes dispersed and the pilots out with them.

122. General GRUNERT. Well, then, in the S. O. P. of November 5th and as understood by this Board, No. 1 Alert is the sabotage alert; No. 2 Alert is the protection from an air attack [4149] plus sabotage; and No. 3 is the all-out alert.

General DAVIDSON. Well, it is No. 3 Alert, then, if I could change that.

123. General GRUNERT. That is what I thought.

General DAVIDSON. When we came off the No. 3 Alert, we were very short of field wire, so we rolled up our field wire and brought that all in from our dispersed positions and placed it in one of the hangars, and when we tried to get our field wire back out so that the controller could get a telephone communication straight through to the squadrons, which he has to have, the field wire was all afire, and we had to get additional field wire.

124. General GRUNERT. Then, as I understand it, you were on either a No. 2 or No. 3 Alert prior to their going on a sabotage alert?

General DAVIDSON. Yes, sir. They were all out there at their airplanes, the telephones were all in, and the connections were made through to the control center.

125. General GRUNERT. That must have been a practice alert, then?

General DAVIDSON. Yes, sir. Well, it was—no, sir, it wasn't a practice alert. It was just the regular alert. We were all set there until about December the 1st, for operations.

126. General GRUNERT. How about the time when you left in October?

General DAVIDSON. No, sir. I don't remember that.

127. General GRUNERT. Then it is hearsay on your part?

General DAVIDSON. That is hearsay, yes, sir, on my part.

128. General GRUNERT. But you do not know whether they were [4150] actually on that alert or not, prior, up to December 1st?

General DAVIDSON. I couldn't say first-hand, no, sir.

129. General GRUNERT. Are there any other questions?

130. Major CLAUSEN. I had one, sir.

Did you ever discuss, sir, with General Short why he operated the A. W. S. only from four to seven a. m.?

General DAVIDSON. No, sir, I never did. Those were his orders, though.

131. General GRUNERT. Do you think of anything else you might tell the Board that might be of value to it in coming to conclusions on those things in which you had any responsibility in the Hawaiian Department?

General DAVIDSON. No, sir. General Short was, I would say, much more active than any other person over there in trying to get the Island in a state of readiness. He built these earthen bunkers and had gotten the ground troops to building fortifications all around the Island, and seemed to be much more alert to the danger of an attack than anyone else, I would say.

132. General GRUNERT. While you were in the States, from October until you started back to Hawaii, you must have been reading the papers and getting some conception of the strained relations, we shall call them, between Japan and the United States; so when you got back to Hawaii were you surprised that they were simply on a sabotage alert and not any other alert? Did that go through your mind?

General DAVIDSON. Not particularly, no, sir.

133. General GRUNERT. Then, you were not particularly impressed with the seriousness or imminence of probable war [4151] between Japan and the United States?

General DAVIDSON. No, sir, I was not.

134. General GRUNERT. But you did read the papers and get whatever you could in the United States, did you?

General DAVIDSON. Well, we were traveling around a lot, General, and I didn't get much of an impression over here that the relations were so badly strained as they were.

135. General GRUNERT. Then, as far as you were concerned, while you were up in Seattle or while you were in Washington or New York, there was no particular indication of anything coming?

General DAVIDSON. As far as I am concerned, that is true.

136. General GRUNERT. Are there any other questions? (No response.)

I thank you very much for coming.

General DAVIDSON. Thank you, sir.

(The witness was excused, with the usual admonition.)

(Thereupon, at 11 a. m., the Board, having concluded the hearing of witnesses for the morning, proceeded to other business.)

[4152]

AFTERNOON SESSION

(The Board reconvened at 2 p. m., and conducted the further hearing of witnesses, as follows:)

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

**TESTIMONY OF JOSEPH P. McDONALD, TECHNICIAN FOURTH-CLASS;
580TH AIRCRAFT WARNING; APO 958, c/o POSTMASTER, SAN
FRANCISCO, CALIFORNIA**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. McDonald, will you please state to the Board your name, rank, organization, and station.

Mr. McDONALD. T-4; Joseph P. McDonald, 13006145, 580th Aircraft Warning, APO 958, care Postmaster, San Francisco, California.

2. General GRUNERT. Sergeant, in this particular investigation, General Frank will ask the questions, and the other Members of the Board will interject any questions they see fit; so just listen to what General Frank has to say and give him the answers to his questions.

3. General FRANK. You are back here on furlough, Sergeant?

Mr. McDONALD. Yes, sir.

General FRANK. To what do you belong, now?

Mr. McDONALD. I still belong to 580th Aircraft Warning.

4. General FRANK. To what did you belong in December 1941?

Mr. McDONALD. Well, I was still with the 580th Aircraft [4153] Warning. It was just a company at the time and was just being organized. We just built up this information center about six months before, and we were assigned to certain jobs, and I happened to be communication man, switchboard operator.

5. General FRANK. Were you on duty the morning of the attack, December 7?

Mr. McDONALD. Yes, sir.

6. General FRANK. Where?

Mr. McDONALD. At the information center—well, fighter control.

7. General FRANK. Where was this information center at which you were on duty?

Mr. McDONALD. It was located in Fort Shafter, Hawaii.

8. General FRANK. And it was the temporary information center that had been set up at that time and from which exercises had been held along back in October?

Mr. McDONALD. Yes, sir.

9. General FRANK. You ran the private branch exchange switchboard?

Mr. McDONALD. Yes, sir.

10. General FRANK. Do you have pretty clearly in your mind what happened on the morning of December 7?

Mr. McDONALD. Well, sir, I have written it so many times I imagine I have it memorized.

11. General FRANK. All right. Will you tell us about it?

Mr. McDONALD. Well, I was on duty. I went on duty at five o'clock the night before and I was on duty all night, up until 7:30 the morning of December 7; and at 7:20 I received a call from our unit on the north shore. I think [4154] the unit was 6-QM.

12. General FRANK. That was at Opana Point?

Mr. McDONALD. Yes, sir.

13. General FRANK. Proceed.

Mr. McDONALD. I did not realize at the time that there was anybody in the building, so I wrote the message down, and when I turned around,

the clock was right behind me in the next room, it was in the corner, and I turned around to time the message, and I saw Lieutenant Tyler, and he was sitting at the plotting table. He was supposed to go off duty at eight o'clock, and he was just sitting there. Everybody went home, and that was the first day we had off in over a month, and so the guys went home about seven o'clock. I mean the plotters. They worked all along for a month there. They were working from 4 o'clock in the morning all the way through to dusk, and December 7 was the first day they got off in the month.

Well, when I received the call, I wrote it down, and I brought it up to the lieutenant. I am not quite sure whether I read it to him, or handed it. I think I read it to him. Any way, the lieutenant looked at it afterwards, and I expressed that it was the first time I ever received anything like this. I said, "Do you think we ought to do anything about it?" So I wanted to call back the plotters. I mean they didn't have much practice there all along, and when this fellow called in he expressed it to be "an awful big flight."

14. General FRANK. Tell us what the message was.

Mr. McDONALD. Says, "Large number of planes coming in from the north, three points east," and he really expressed; [4155] so after I told the lieutenant, he just, he didn't say nothing; so I went back to the telephone, and I talked to the man on the unit again.

15. General FRANK. That is, you talked to the man at Opana?

Mr. McDONALD. Yes, sir; and he just repeated the message, and I went in and I told the lieutenant again. I said, "Sir, I would appreciate it very much if you would answer the phone"; and after he was finished with his conversation—

16. General FRANK. He answered the telephone?

Mr. McDONALD. Yes, sir. After he was finished with his conversation, I asked him, "What do you think it is?" He said, "It's nothing." We learned later he was expecting bombers in from the States. Well, we thought he knew.

Sir, I don't mean to accuse this man, by any means. I am just trying to express it just the way I did, because I, when I wrote this message out, I wrote it up for a department signal, Hawaiian Department signal, and before I signed it, I brought it down and had him look it over.

17. General FRANK. You had whom look it over?

Mr. McDONALD. This lieutenant, Lt. Tyler; because I felt that anything that I do say was against him.

18. General FRANK. Did you make any comment to him as to whether you thought there might be something real about it?

Mr. McDONALD. Well, sir, I did. I said, "It's the first time I have ever received anything like this, and it looks kind of strange." I don't know the exact words I used; but anyway, I took this. I was relieved at 7:30, so I took this message with me. By the way, it was the first time I ever did that, but I wanted to show the fellows, up [4156] at the tent; so they all saw it; and when the planes were coming over there, I began to get a little shaky, especially when everybody was saying it was Wheeler Field on maneuvers; but when they started coming down and diving all around, I just started running for the nearest pile.

Anyway, after we realized, we went into the tent and turned on the radio. Everybody knew it was war, because the announcer was

saying, "Oahu is under attack!" So I ran down to the information center, and I gave the message to Lieutenant White. That was my communication officer and commanding officer, and he brought it up to the controller, my controller.

19. General FRANK. Who was the controller at that time?

Mr. McDONALD. I am not sure, sir, but I think it was a Major Bergquist.

20. General FRANK. Had he reached the information center by this time?

Mr. McDONALD. Yes, sir.

21. General FRANK. What time was this?

Mr. McDONALD. Well, it was only a couple of minutes after the attack, because he came from Wheeler Field, and he said he was strafed and everything coming down.

22. General FRANK. Well, it would take more than a couple of minutes to come from Wheeler Field. That is 20 miles away.

Mr. McDONALD. Well, it must have been about a half an hour, by the time. It was about a half an hour; but anyway, he came down. He questioned me.

23. General FRANK. So, as it really turned out, the man at the radar station at Opana Point probably had really picked up the attacking Japanese force on the oscilloscope, and this [4157] was his report of it; that is correct, isn't it?

Mr. McDONALD. Yes, sir.

24. General FRANK. And the lieutenant, when you showed him the message, had assumed that it was these B-17s coming in from the States, is that correct?

Mr. McDONALD. Yes, sir.

25. General FRANK. As a matter of fact, this Lieutenant Tyler, who was in there, was in there for instruction, was he not?

Mr. McDONALD. I think he was, sir. I only saw him around there, I think that was about the second time I saw him. I knew he didn't understand, because he was—well, all those lieutenants just come down there, and they just learn by just looking at the men working.

26. General FRANK. As a matter of fact, it really wasn't your assigned duty to call these things to their attention, but your assigned duty was really just to man the switchboard?

Mr. McDONALD. I don't know, sir. Just commented. That's about what anybody would do.

27. General FRANK. When the information center really got to working, there were other men assigned around, plotting on the boards, whose duty it was to do what you were doing at this time, is that correct?

Mr. McDONALD. No, sir. Well, I just got the thing. As soon as I got the information, I just brought it in to the lieutenant, and I just—well, I just expressed it, "I never had anything like this before."

28. General FRANK. All right, Sergeant.

29. General GRUNERT. Are there any questions?

[4158] 30. General RUSSELL. Who was Lieutenant White?

Mr. McDONALD. He was our communication officer, sir.

31. General RUSSELL. Did he go on duty in the information center that morning when you went off, Sergeant?

Mr. McDONALD. He went on at 8 o'clock, I think; usually came around about a quarter of eight or 8 o'clock.

32. General RUSSELL. Did he go on every day?

Mr. McDONALD. Yes, sir; he was our communication officer, sir, and he really lived up to his last name.

33. General RUSSELL. How about this Lieutenant Tyler? Is that his name, Lieutenant Tyler?

Mr. McDONALD. Yes, sir.

34. General RUSSELL. Were you two the only two men in the information center that morning?

Mr. McDONALD. As far as I know; yes, sir.

35. General RUSSELL. You had been in there since the night before, at 5 o'clock?

Mr. McDONALD. Yes, sir.

36. General RUSSELL. And this lieutenant had been in there all that time with you?

Mr. McDONALD. No, sir; he came on about 4 o'clock in the morning.

37. General RUSSELL. Had anybody been in there up until 4 o'clock, except you?

Mr. McDONALD. No, sir. There was a guard outside.

38. General RUSSELL. Normally, when you would get messages over the telephone, didn't you have somebody there to put them up on a board of some sort?

Mr. McDONALD. No, sir. In case I ever got any messages, [4159] I had all the information I wanted, in book form, and if I didn't understand, I could contact Lieutenant White, or contact any of the officers around.

39. General RUSSELL. Was there always an officer there after four o'clock in the morning?

Mr. McDONALD. After 4 o'clock? When we went on the alert, why, there were.

40. General RUSSELL. I mean before this morning.

Mr. McDONALD. No, sir; they usually came on about 7:30 or 8 o'clock.

41. General FRANK. On this particular morning, the information center had been manned, there had been some people up there to run it, from 4 to 7, had there not?

Mr. McDONALD. Yes, sir.

42. General FRANK. About how many?

Mr. McDONALD. I judge there were about 15.

43. General FRANK. And they went off at what time?

Mr. McDONALD. They went off at 7.

44. General FRANK. They went off at 7 o'clock? Well, how did you happen to stay there?

Mr. McDONALD. Well, I was on duty until 7:30; and you see it was Sunday morning, and they didn't eat—my relief didn't eat breakfast until about 7 or 7:15, so I had to wait until about 7:30.

45. General FRANK. And the people who had been manning it from 4 to 7 had left, and you and the lieutenant were the only ones left of those who had been there from 4 to 7, is that correct?

Mr. McDONALD. Yes, sir.

[4160] 46. General RUSSELL. How long had you been working in the center?

Mr. McDONALD. I was working there for about four months before that.

47. General RUSSELL. Had the other soldiers been working along with you for those four months?

Mr. McDONALD. Yes, sir; everybody.

48. General RUSSELL. The same crew would be in there every morning?

Mr. McDONALD. Yes, sir. Most of them were trained men.

49. General RUSSELL. Now, you say that you did not have a day off. I do not know whether that got in the record, what you meant about that, or not. Was everybody going to quit, that day, Sunday, December 7?

Mr. McDONALD. No. They didn't have to pull their shift—I mean, they pull it until 7 o'clock in the morning, and then they would have the rest of the day off on Sunday.

50. General RUSSELL. But all the other days, they stayed on after 7 o'clock, they all did?

Mr. McDONALD. Yes, sir.

51. Colonel TOULMIN. What was the reason, Sergeant, for their getting off on that particular day?

Mr. McDONALD. I could not understand it, sir. I just happened to be unlucky, I guess.

52. Colonel TOULMIN. Had they had a day off at any other time prior to that?

Mr. McDONALD. Well, I don't think there were any passes for a month before that. I am not quite sure about that, sir. I think most of the men never got passes.

[4161] 53. Colonel TOULMIN. During the preceding month was the aircraft warning service working all right?

Mr. McDONALD. Yes, sir; it was all working. We used to pick up the clippers and everything else.

54. Colonel TOULMIN. It was doing all it was supposed to do, then?

Mr. McDONALD. Yes, sir.

55. Colonel TOULMIN. That is all.

General RUSSELL. Would it work all day, Sergeant?

Mr. McDONALD. Yes, sir. Most all day long, the radar was on.

56. General RUSSELL. You had been in there almost every day up until this December 7?

Mr. McDONALD. Yes, sir.

57. General RUSSELL. After 7 o'clock in the morning, you continued to stay on, there, every day, is that right?

Mr. McDONALD. No, sir. We changed. We had different shifts.

58. General RUSSELL. But when you would go off duty, some other boys would come in?

Mr. McDONALD. Yes, sir.

59. General RUSSELL. All right.

60. General FRANK. On this particular morning had there been any reports of flights in the air from 4 to 7?

Mr. McDONALD. That was the first I received, sir.

61. General FRANK. Would you receive them? Wouldn't they go directly to the board?

Mr. McDONALD. Well, yes, sir; they have their tactical phone. It goes right to the plotting board.

[4162] 62. General FRANK. So, while the board is manned and in operation, these messages coming in would go directly to the telephone on the board and would not come to you; that is correct, isn't it?

Mr. McDONALD. Yes, sir; that is tactical.

63. General FRANK. And this one happened to come to you because the people at the board had left, and it came to your telephone exchange?

Mr. McDONALD. Yes, sir.

64. Colonel TOULMIN. Who called you from the outlying station, do you know?

Mr. McDONALD. Well, sir, it was Joe Lockard.

65. Colonel TOULMIN. And what did he say?

Mr. McDONALD. Well, at first they just said, "There's a large number of planes coming in from the north, three points east," and then when I returned to the phone, he said, "Hey! Mac!" Then he expressed it again, the same message.

66. Colonel TOULMIN. Was he calm, or excited, or what?

Mr. McDONALD. Yes, sir; he was excited. He said he never saw so many planes, so many flashes on the 'scope.

67. Colonel TOULMIN. When you gave him back the information to "forget it," or something to that effect, what did he say?

Mr. McDONALD. Well, the Lieutenant talked to him last, sir.

68. Colonel TOULMIN. I see. That is all.

69. Major CLAUSEN. Do you have any way, Sergeant, of fixing the exact time that you received this call first from Lockard?

Mr. McDONALD. No, sir. When I turned around, to time the message, it was 7:20.

70. Major CLAUSEN. You are pretty sure of that?

Mr. McDONALD. Yes, sir.

71. Major CLAUSEN. You saw that time on the clock?

Mr. McDONALD. Yes, sir.

72. Major CLAUSEN. Was that the time you wrote on the message?

Mr. McDONALD. Yes, sir.

73. Major CLAUSEN. Did you work on any other stations connected with the radar besides this information center?

Mr. McDONALD. No, sir. We had our definite jobs. We all helped put up a radar, then we were assigned to different jobs.

74. Major CLAUSEN. This was a mobile radar station?

Mr. McDONALD. Yes, sir.

75. General GRUNERT. Sergeant, had there been previous tests and exercises using the communication center?

Mr. McDONALD. Yes, sir.

76. General GRUNERT. And how did it work—all right?

Mr. McDONALD. Yes, sir; it worked.

77. General GRUNERT. Do you know how many stations they used in those exercises, how many radar stations outside of the communication center?

Mr. McDONALD. I imagine they used them all, sir.

78. General GRUNERT. And how many would be all, do you know?

Mr. McDONALD. There were about five or six; I am not quite sure.

79. General GRUNERT. Are there any other questions? Sergeant, do you know of anything else that you might have in your mind that you would like to tell the Board, that may be of help to it?

Mr. McDONALD. No, sir.

80. General GRUNERT. All right; thank you for coming down. (The witness was excused, with the usual admonition.)

[4164] **TESTIMONY OF BRIG. GEN. MARTIN F. SCANLON,**
U. S. ARMY

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. General, will you please state to the Board your name, rank, organization, and station.

General SCANLON. Martin F. Scanlon; Brigadier General, U. S. Army. At present, I have an Evaluation Board, covering the Pacific Ocean Area.

2. General GRUNERT. General, on this particular part of the investigation, General Russell will propound the questions, and the Board will interject any questions that seem to be pertinent.

3. General RUSSELL. General, where were you on duty on the 27th and 28th days of November, 1941?

General SCANLON. In the War Department, Assistant Chief of the Air Staff, A-2.

4. General RUSSELL. Do you recall any conferences that were held on the 27th or 28th, for the purpose of preparing messages to send to air installations throughout the world?

General SCANLON. There were no conferences. I was instructed on the morning of the 28th to prepare a message to be sent out to all air bases and air commands, to warn them to guard against sabotage, subversive action, and espionage; and the message was delivered to me, either by the secretary of the staff, or the Chief of the Air Staff; I am not sure which.

5. General RUSSELL. Who directed you to prepare that message?

General SCANLON. It came from General Arnold, through [4165] either his Chief of Air Staff, or the secretary to the staff.

6. General RUSSELL. That was the message for you to prepare a message, which reached you in that way?

General SCANLON. Yes, sir.

7. General RUSSELL. All right. Now, will you go ahead and tell us about the preparation of the message, its history, and so forth.

General SCANLON. Well, I received this message—I can't remember, I don't recall Arnold told me himself—from this Chief of Staff, to prepare this message and have it ready by noon; and I called in Major Blake and Major Beatty.

8. General GRUNERT. Just a minute. May I get that straightened out? It was not from the Chief of Staff, it was from General Arnold's Chief of Staff?

General SCANLON. From the Chief of the Air Staff.

Blake was then in the Chief of the Air Corps' office, and counter-intelligence, and Major Beatty was over with the Combat Command, in the intelligence section; and I asked them to come in so that they could make the rough draft of a message dealing with this type of instruction, as they were more familiar with it. It came under counter-intelligence. On the completion of that message, I reviewed it, and, I think, made some changes in it, and then took it to General Miles, who was the Chief of Staff of the Army, for coordination.

[4166] 9. General RUSSELL. He was what?

General SCANLON. No. I am sorry. Assistant Chief of Staff, G-2. And General Miles didn't agree with what I had written. He thought it was too strong, and I felt that it should be strong because aircraft and aircraft engines were more subject to sabotage than most other things in the service.

10. General FRANK. Will you state, before you proceed any further, what created the necessity for this message?

General SCANLON. The critical situation between ourselves and Japan at the time.

11. General FRANK. Well, I thought this had to do with some sabotage that they had discovered on engines.

General SCANLON. There had been sabotage on some of the aircraft or the engines that were going out west, but I don't know—I am not familiar with just what it was.

12. General RUSSELL. Well, in order that we can clear up the question, now, that General Frank has raised, do you recall exactly what was said to you, and by whom, which resulted in your calling in these other two officers to prepare a message?

General SCANLON. No; my memory doesn't serve me well enough. I just know that I was directed to do this, and I started to do it.

13. General RUSSELL. Were you told orally or in writing to do it?

General SCANLON. Orally.

14. General RUSSELL. Orally. And by the Chief of Staff of the Army Air Forces?

General SCANLON. That is right; either by him or the Secretary of the Air Staff.

[4167] 15. General RUSSELL. You do not recall which one?

General SCANLON. I don't recall, no.

16. General RUSSELL. Nor do you recall the subject matter of the conversation?

General SCANLON. No. I was simply told to prepare a message along the lines that I indicated a few minutes ago.

17. General RUSSELL. Well, will you reindicate that?

General SCANLON. To warn our various installations to be on guard against sabotage, subversive action, and espionage.

18. General RUSSELL. And did they state why they wanted their installations to be on guard against these things?

General SCANLON. No, not to my recollection.

19. General RUSSELL. All right. Now, then, we have got to the place where you took a message over to the Assistant Chief, Assistant—

General SCANLON. Assistant.

20. General RUSSELL. —Chief of Staff, G-2, General Miles?

General SCANLON. Yes.

21. General RUSSELL. Have you got a copy of that original draft?

General SCANLON. I think, yes. I think that is the original draft [indicating].

22. General RUSSELL. Would you read it into the record for us, General?

General SCANLON. This was from Army Air Force, A-2, to the Air Adjutant General, Cable Section, 1941, 11/28:

[4168] (Message from Army Air Force, A-2, to the Air Adjutant General, Cable Section, dated 11/28/41, as follows:)

It is requested that the following instructions be transmitted by cable to the Commanding General of each Overseas Department and Air Base Command:

"1. The world situation requires immediate attention to the problem of taking the necessary preventative measures to guard against sabotage, subversion, and espionage in all echelons of the Army Air Forces.

"2. It is desired that you initiate forthwith all additional measures necessary to provide for the complete protection of your establishments and equipment against sabotage, protection of your personnel against subversion propaganda, and protection of all activities against espionage.

"3. Further desired that reports of all steps initiated by you to comply with these instructions be submitted to the Chief, Army Air Forces on or before December 5, 1941."

And then it's:

five nineteen forty-one. end.

That's written out.

23. General RUSSELL. That was to be signed by whom?

General SCANLON. Well, that would have been sent out by the Adjutant General, sir.

24. General RUSSELL. Of the Army?

General SCANLON. Of the Army.

25. General RUSSELL. Adams.

[4169] General SCANLON. It would go to our Air Adjutant General, who would then transmit it through the Army Adjutant General.

26. General RUSSELL. But as originally designated, only air installations would have been reached, or did you say the Commanding General of Overseas Departments and air bases?

General SCANLON. In this message it said,

Overseas Department and Air Base Command.

27. General RUSSELL. All right.

General SCANLON. Then there were other messages sent out: one to the Chief of Air Corps. It is a memorandum directing him to take steps because certain installations came under his control and not under the Chief of the Army Air Force.

28. General GRUNERT. And they pertained to the continental United States?

General SCANLON. Yes, sir. They were matériel command and that one out in Los Angeles: Western Defense Command.

29. General RUSSELL. Then, as initially conceived, as I understand it, General, you designed this message in the form which you have read and intended that it reach, in the main, only air commanders?

General SCANLON. Air commanders it what it was for.

30. General RUSSELL. Yes. All right. Now, then, you submitted that message to General Miles?

General SCANLON. General Miles. And he thought it was too strong, and he wanted to change it.

31. General RUSSELL. What part of it did he object to as being too strong?

General SCANLON. Well, I can't remember offhand, but he wanted also to add in that no illegal measures would be taken and that no steps would be taken to unduly alarm the civilian [4170] population, and we hashed that over practically all afternoon and finally

submitted it to General Bryden, who was then Deputy Chief of the Staff, who eventually approved it, and I then took it back to the Chief of the Air Staff, who turned it over to the Air Adjutant General.

32. General RUSSELL. Now let us be clear in our statement, please, General. After debate lasting almost all afternoon, you reached an agreement for an amended message?

General SCANLON. Yes, sir.

33. General RUSSELL. Not your message but an amended message?

General SCANLON. Well, it ended up with being practically, I think, identically the same message that the G-2 had sent out, simply adding the paragraph requesting that we be informed as to what measures had been taken to comply with this by the 5th of December.

34. General RUSSELL. Well, we are injecting another message into our story now. Let us stay on the single track. A message was prepared, and it was not the one that you carried over, but it was an amended message, and it went to some superior air force headquarters for approval; is that right?

General SCANLON. No, sir, it didn't go to any superior air force headquarters for approval. It went to the Chief of the Air Staff for issue through the Air Adjutant General, then through the Army Adjutant General.

35. General RUSSELL. During the course of those discussions during that afternoon of November 28 was General Arnold there and participating?

[4171] General SCANLON. No, sir; he didn't see the message. He left the office shortly before noon.

36. General RUSSELL. Where were these discussions? In the office of G-2, or where?

General SCANLON. With General Miles in General Bryden's office directly after lunch, and then later on again after we had finally written the thing to make it exactly like the War Department message.

37. General RUSSELL. How did you happen to come to go over to G-2's office at all?

General SCANLON. Well, A-2 was a stepchild and required to co-ordinate everything with G-2, and we didn't have any—

38. General RUSSELL. This message that you have just read is the one you took to G-2?

General SCANLON. Yes, sir.

39. General RUSSELL. All right. Now, have you the message which was agreed upon by you and G-2 and which was submitted to General Bryden for final approval?

General SCANLON. Yes, sir. This is it here [indicating].

40. General RUSSELL. Would you read that into the record for us?

General SCANLON. "Air Adjutant General, Cable Section." Let us see. It starts out, "Army Air Forces, A-2," to Air Adjutant General, Cable Section, 1941, 11/28:

[4172] (Message of November 28, 1941, submitted to General Bryden for approval, to Air Adjutant General, Cable Section, is as follows:)

1. It is requested that a cable substantially as follows be sent to the Commanding General of each Overseas Department and Air Base Command:

"Desire that instructions substantially as follows be issued to all units and establishments under your command and control colon

"Critical situation demands that all precautions be taken immediately against subversive activities within the field of investigative responsibility of the War Department parenthesis see paragraph three MID SR thirty dash forty five end parenthesis stop Also desired that you initiate forthwith all additional measures necessary to provide for the protection of your establishments comma property comma and equipment against sabotage comma protection of your personnel against subversive propaganda and protection of all activities against espionage stop This does not repeat not mean that any illegal measures are authorized stop Protective measures should be confined to those essential to security comma avoiding unnecessary publicity and alarm stop

"Further desired that reports of all steps initiated by you to comply with these instructions be submitted to the Chief Army Air Forces on or before December five nineteen forty one end."

Now, then, there is a record here of the places to which this was sent, sir.

[4173] 41. General RUSSELL. General, just for the sake of uniformity in the record, could you be mistaken about that message which you have just read being the message that was finally sent?

General SCANLON. That was not the one that was finally sent, evidently, but that is the one that we turned over to them to send, and when it went to the Adjutant General's it must have been changed again, because I have a copy of the message that was received in Honolulu.

42. General RUSSELL. All right. Now let us wait just a minute and see who these Adjutants General are to whom the message you have just read went. Who were they?

General SCANLON. The Air Adjutant General was Colonel Dick.

43. General RUSSELL. Colonel Dick.

General SCANLON. Well, that is given as 484 to the Commanding General, Hawaiian Department; and to the Commanding General, USAF Far East, it is message 647; and the C. G., Caribbean Defense Command, message No. 475; and the C. G., Alaskan Defense Command, it doesn't have any number.

44. General RUSSELL. That message which you just read, then, as read, was sent to the C. G. of the Hawaiian Department as message No. 484?

General SCANLON. That is what it states here on this note from the Air Adjutant General, yes.

45. General RUSSELL. It may be that we can straighten out the confusion along the lines suggested by General Frank.

Now, then, have you another message that was sent that day, General?

General SCANLON. There was a message, a memorandum sent [4174] the Chief of the Air Corps and a message sent to the Commanding General, Air Force Combat Command.

46. General RUSSELL. Was there another message sent to the Commanding General of the Hawaiian Department that day, except the one you have just read?

General SCANLON. Not to my knowledge.

47. General RUSSELL. Well, when I was talking to you a moment ago you made the response that the message which you have just read, and as now described as message 484, was not the message that was actually sent, but the Adjutants General revised the message and sent another. Now, have you a copy of another message?

General SCANLON. Well, I have a copy of the message that was received in Honolulu as 484, but I have not compared them, I just

got these things together. But I don't believe they are exactly the same. It may have been in a paraphrase and it has been changed.

48. General RUSSELL. General, I think we had better confine our testimony for the moment to one or the other of these messages. We are attempting to determine who prepared the message which is 484. Do you recognize the message 484 as being the one which you prepared?

General SCANLON. Yes, sir.

49. General RUSSELL. And submitted to the Deputy Chief of Staff, and it was approved and sent out?

General SCANLON. Yes, sir.

50. General RUSSELL. All right. Now, then, General, I will ask you whether or not you approved or prepared another message, which was sent out under No. 482, to the Commanding General of [4175] the Hawaiian Department.

General SCANLON. No, sir; I had nothing to do with that, sir.

51. General RUSSELL. How do you explain the fact that two different messages dealing with substantially the same subject matter were sent by the same office, the Adjutant General of the Army?

General SCANLON. The original of 482 I believe was sent out on instructions from the Chief of Staff of the Army, and General Arnold decided he wanted to send a message to all the Air Force Commands and installations.

52. General RUSSELL. Can you tell the date and the hour when 484 was dispatched from Washington?

General SCANLON. No; I have not got that, but it was not dispatched until that evening sometime.

53. General RUSSELL. Have you any record there about 482 at all, to the Commanding General, Hawaiian Department?

General SCANLON. I simply have a copy of the message No. 482 which I obtained in Hawaii before leaving there.

54. General RUSSELL. Had you ever seen message 482 prior to the time you saw it in Hawaii?

General SCANLON. I had seen the draft which had been sent out and was shown me by General Miles.

55. General RUSSELL. Did the Air Corps people, as such, have anything to do with the preparation of or approval of the message 482?

General SCANLON. Not to my knowledge.

56. General RUSSELL. Will you read to us, or into the record, message 482 which you have and which you testified you obtained in Hawaii?

[4176] (Message No. 482, dated November 28, 1941, to C. G., Hawaiian Department, Fort Shafter, T. H., from Adams, is as follows:)

General SCANLON (reading):

Secret.

114 WAR KR 189 WD PRTY.

WASHINGTON, D. C., 842P, November 28, 1941.

C G

HAWN DEPT.

Ft. Shafter, T. H.:

482 28th Critical situation demands that all precautions be taken immediately against subversive activities within field of investigative responsibility of War Department paren see paragraph three MID SC thirty dash forty five end paren stop. Also desired that you initiate forthwith all additional measures necessary to provide for protection of your establishments comma property comma and

equipment against sabotage comma protection of your personnel against subversive propaganda and protection of all activities against espionage stop This does not repeat not mean that any illegal measures are authorized stop Protective measures should be confined to those essential to security comma avoiding unnecessary publicity and alarm stop To insure speed of transmission identical telegrams are being sent to all air stations but this does not repeat not affect your responsibility under existing instructions.

Signed, "Adams."

57. General RUSSELL. Now, you obtained this 482, you say, from what source?

[4177] General SCANLON. If I am not mistaken, General Miles showed me that copy of 482 during the changes in the original message which I had brought to him.

58. General RUSSELL. Now, where did you get the copy that you have in your book?

General SCANLON. I obtained this copy—this copy here I obtained from the Adjutant General's files at Fort Shafter on Friday last, whatever date that was.

59. General RUSSELL. In other words, you picked up 482 in Hawaii?

General SCANLON. Yes, sir.

60. General RUSSELL. Where did you get 484, once more?

General SCANLON. I got that from the 7th Air Force Adjutant General's files in Hawaii.

61. General RUSSELL. But 484 was addressed to the Commanding General, Hawaiian Department, too?

General SCANLON. Yes, sir.

62. General RUSSELL. All right. Now then, a little bit about the message, your original draft. Would you let me see that, please, General?

Now, your original draft is in three paragraphs. Paragraph 1 merely states that the world situation requires attention to prevent sabotage, subversion, and espionage.

General SCANLON. Yes, sir.

63. General RUSSELL. In substance.

The second paragraph directs that all such measures as are necessary to protect against these things be taken.

General SCANLON. That is right, sir.

64. General RUSSELL. And the third, to report to you what had [4178] been done to carry out paragraph 2.

General SCANLON. Yes, sir.

65. General RUSSELL. That is what it was. Now, when that got over to G-2, he added on all of these other things which you are talking about? He placed them in the message?

General SCANLON. Yes, sir. No illegal measures should be taken, and that no steps should be taken to unduly alarm the civil populace, I believe.

66. General RUSSELL. "Protective measures should be confined to those essential to security."

Now, then, what was meant or what was developed in this conference as to the meaning of, "Illegal measures are not authorized"?

General SCANLON. Well, I am not sure, but I think it referred to the fact that it was divided between Army, Navy, and F. B. I., and we were not to go outside our authority in taking any steps. We were also not to take any steps against civilians. I think General

Miles was afraid that somebody might get over-excited and start throwing a lot of civilians in jail.

67. General RUSSELL. Yes. "Protective measures should be confined to those essential to security." What sort of a delimitation on activity did that language convey?

General SCANLON. I am not sure of that.

68. General RUSSELL. Do you recall any discussions about that? (A document was handed to General Scanlon.)

69. General RUSSELL. I will point it out to you (indicating).

70. General SCANLON. Surely.

[4179] 71. General RUSSELL. "Protective measures should be confined to those essential to security." Do you know what you had in mind?

General SCANLON. I am not sure; I can't recall what was in mind.

72. General RUSSELL. You don't recall any discussion about that?

General SCANLON. No, sir.

73. General RUSSELL. "Avoiding unnecessary publicity."

General SCANLON. Well, they didn't want any unnecessary publicity because of the effect it might have in disturbing the public.

74. General RUSSELL. Now, all of those three things were put in there by G-2 of the General Staff?

General SCANLON. Yes.

75. General RUSSELL. And the Air Corps as such, as represented by you, did not suggest them and, so far as you know, was not interested in them?

General SCANLON. Well, we were interested in getting out a message to warn these people to take such steps as necessary to protect themselves.

76. General RUSSELL. But you, as you have conceived the message and originally prepared it, didn't throw about it any of the limitations that eventually were thrown about it?

General SCANLON. No, sir.

77. General GRUNERT. I would like to ask a question there: What took this long time in discussing, then, how the message should be worded? It took, as I gathered, about half a day or more in discussing the wording of the message. What were the [4180] disagreements?

General SCANLON. Well, I was anxious to send it in as was, and General Miles was anxious to tone it down and put in these restrictions.

78. General GRUNERT. Did you have any objection to the restrictions? If so, what were they?

General SCANLON. Well, I didn't want to put any restrictions in, to begin with, and I thought that the message as outlined in general was sufficient.

79. General GRUNERT. Then, you had nothing back of it except you wanted to have more teeth in the message than you thought that would put in there; is that right?

General SCANLON. That is correct, sir.

80. General GRUNERT. All right; go ahead.

81. General RUSSELL. Now, there is another statement here, General, that we might like to be enlightened on :

against subversive activities within the field of investigative responsibility of the War Department parenthesis see paragraph three MID SR thirty dash forty five end parenthesis.

General SCANLON. Well, that is the one that delineates the responsibility of the War Department, the Navy, and the F. B. I.

82. General RUSSELL. And you think that reference and the reference to refrain from taking illegal measures mean the same thing?

General SCANLON. No, sir. I was incorrect when I said that in regard to illegal measures.

83. General RUSSELL. Well, we have wondered just what was [4181] meant by that term, "illegal measures," General. Do you have any recollection now of the suggestions about it in this conference?

General SCANLON. I think it was simply to try and prevent commanding officers taking any steps against civilians.

84. General GRUNERT. Might it have been to avoid doing something that was not authorized by law, or prohibited by law, in the line of tapping wires or anything like that?

General SCANLON. I think that is correct.

85. General RUSSELL. Now, General, as I read this message, apparently you people were just interested in the protection of your property and the installations. That was all you were attempting to effectuate by sending this message?

General SCANLON. That is all.

86. General RUSSELL. Did you know at the time that it went out that a message had gone out from the Chief of Staff of the Army the day before to the Commanding Generals of the Departments, and some others possibly, or certainly to the Commanding Generals of the Overseas Departments to the west, in which certain instructions were contained and certain enemy information had been given?

General SCANLON. I did not know it until I had taken my message to General Miles for coordination.

87. General RUSSELL. At that time did the message of the Chief of Staff of the 27th of November come in for discussion?

General SCANLON. At that time he stated that he had sent a message, a similar message, out the day before, which was much milder, and he thought mine was too strong; and that I insisted that I thought it should be strong, that our aircraft [4182] was more subject to sabotage than a great many other things.

88. General RUSSELL. Well, now, there were two messages that went out on the 27th. One was a rather short message which went from G-2 of the General Staff to the G-2s of the Overseas Departments. And for the purpose of this testimony we shall confine it to the G-2 of the Hawaiian Department.

(There was colloquy off the record.)

89. General RUSSELL. Now, there were two messages—I will repeat, General—that went out on the 27th of November. I shall read

you a G-2 message first. That was from G-2 of the War Department to G-2 of the Hawaiian Department, in this language:

Advise only the C. G. and the Chief of Staff that it appears that the conference with the Japanese has ended in an apparent deadlock. Acts of sabotage and espionage probable. Also possible that hostilities may begin.

Now, was that the message that General Miles was talking to you about?

General SCANLON. No, sir.

90. General RUSSELL. Well, there was another message.

General SCANLON. I do not think that is the message he was talking to me about.

91. General RUSSELL. Let me call your attention to another message which went out on the 27th.

General SCANLON. Because I don't remember ever having seen the message.

92. General RUSSELL. Have you ever heard of that message before?

General SCANLON. I don't remember.

[4183] (Message dated November 27, 1941, from Marshall:)

93. General RUSSELL. Let me read you another message:

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibilities that the Japanese Government might come back and offer to continue.

Did you ever hear anything like that?

Japanese future action unpredictable, but hostile action possible at any moment. If hostilities cannot, repeat cannot, be avoided, the United States desires that Japan commit the first overt act. This policy should not, repeat not, be construed as restricting you to a course of action that might jeopardize your defense. Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary, but these measures should be carried out so as not, repeat not, to alarm civil population or disclose intent. Report measures taken. Should hostilities occur you will carry out the tasks assigned in Rainbow Five so far as they pertain to Japan. Limit dissemination of this highly secret information to minimum essential officers.

Did you ever hear of that message?

General SCANLON. I do not remember having seen that, at the time. I have seen it, since.

94. General RUSSELL. Could you identify for us what message General Miles did refer to when he told you he had already sent a message?

General SCANLON. Yes; in a large book, here, sir.

95. General RUSSELL. Your book?

General SCANLON. If I am not mistaken, the message that [4184] he referred to was what is known as "482," because this is a copy of the message that I got, at the time.

96. General RUSSELL. Have you got a copy of that message?

General SCANLON. Well, it is not given down here as "482." It is in this form, here.

97. General RUSSELL. It appears, therefore, General, that you went over and had a conference, and out of that conference came message 484, and it was sent, was it?

General SCANLON. 484; yes, sir.

98. General RUSSELL. And General Miles told you then that he had sent another message, and it is now your opinion that it was the one you have just shown to me, which in your book is referred to as message "482"?

General SCANLON. Yes, sir.

99. General RUSSELL. And the two messages which I read you a moment ago as having gone out on the 27th of November, so far as you now know, you never saw either one of those?

General SCANLON. I don't remember them, at that time.

100. General GRUNERT. I can readily understand, then, why G-2 objected to sending your message, if he had already sent an almost identical message on the same day, which I understand was 482.

General SCANLON. Well, General Arnold wanted a special message to cover the Air Forces, from the Air Force.

101. General GRUNERT. And then that special message to cover what General Arnold wanted, was 484?

General SCANLON. 484; yes, sir.

102. General GRUNERT. I get it, now.

[4185] 103. General RUSSELL. And the thing that actually occurred, General, was that G-2 insisted upon an amendment of 484 to bring it in line with his message, 482?

General SCANLON. To bring it to practically the same as 482, except for the additional paragraph requiring a report as to what steps had been taken to comply with it.

104. General RUSSELL. But you do recall definitely that General Miles objected to your original draft, because he thought the message was too strong?

General SCANLON. Yes, sir.

105. General RUSSELL. And did not have these limitations to it?

General SCANLON. That is right, sir.

106. General GRUNERT. Do any Members of the Board have anything further?

General, have you anything else that you might think of which would be of value to the Board?

General SCANLON. I do not think of anything now, sir.

107. General GRUNERT. All right. Thank you very much for coming.

General SCANLON. I am "acquitted"?

108. General RUSSELL. General, I do want to ask one question on the record before you go. Do you recall who was in this G-2 conference which lasted almost all afternoon?

General SCANLON. I think Colonel Cooper, from my office, with me, and General Miles, and I am not sure whether General Gerow was in at the last or not; but I believe he was.

109. General RUSSELL. Where and when did you see General Bryden?

General SCANLON. I saw General Bryden directly after [4186] lunch, and then again about 4 o'clock, I believe.

110. General FRANK. Did he contribute anything to the message?

General SCANLON. No, sir.

111. General FRANK. Did he have any interest in it?

General SCANLON. Well, we were trying to get him to approve the message as it was finally drawn up, and which he eventually did.

112. General GRUNERT. Thank you very much.

(The witness was excused, with the usual admonition.)

TESTIMONY OF JAMES P. DILLON, NATURALIZATION EXAMINER,
U. S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALI-
ZATION SERVICE, NEWARK, N. J.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Dillon, will you please state to the Board your name and address.

Mr. DILLON. My name is James P. Dillon, and my home address is 624 High street, in Newark, N. J.

2. Colonel WEST. What is your occupation at present, Mr. Dillon?

Mr. DILLON. I am naturalization examiner in the Immigration and Naturalization Service, Department of Justice, stationed at Newark, N. J.

3. General GRUNERT. Mr. Dillon, General Frank will be assisted by Major Clausen in developing this particular part of our special investigation.

4. Major CLAUSEN. Mr. Dillon, you recall that I asked you some questions in the outer office?

[4187] Mr. DILLON. I do.

5. Major CLAUSEN. In February 1941 and in March 1941 you were in the Bureau of Immigration and Naturalization, were you, sir?

Mr. DILLON. I was.

6. Major CLAUSEN. You were stationed at Honolulu, T. H.?

Mr. DILLON. Honolulu; that is right.

7. Major CLAUSEN. In what capacity?

Mr. DILLON. Naturalization examiner.

8. Major CLAUSEN. And you, while there, received a letter from the District Director of the Los Angeles District, dated February 20, 1941, by air mail, reading as follows:

(Letter, dated Feb. 20, 1941, to Dist. Director, T. H.):

DISTRICT DIRECTOR,

Honolulu, T. H.:

One Hans (or John) William Rohl, a native and citizen of Germany, is an applicant for United States citizenship in this District, and through his attorney has presented a photostatic copy of a letter addressed to him by Colonel Theodore Wyman, Jr., District Engineer, Post Office Box 2240, Honolulu, T. H.

A copy of the photostat referred to is enclosed, from which it appears that Mr. Rohl's presence in Honolulu is desired in connection with secret contract #W-414-eng-602. In connection with our investigation concerning the applicant's qualifications for citizenship, and in order that appropriate recommendation be made to the court with reference to the matter, please ascertain whether Mr. Rohl at any time represented himself to Colonel Wyman, Jr., as a citizen of the United States.

[4188] A reply by airmail at your earliest convenience will be very much appreciated.

(Signed) WILLIAM A. CAEMICHAEL,
*District Director,
Los Angeles District.*

That is the copy of the letter, which is in the official file that I have received from the Bureau of Immigration, at Los Angeles.

You received that, sir, did you?

Mr. DILLON. I did. I received the original of that; yes, sir.

9. Major CLAUSEN. While you were at Honolulu?

Mr. DILLON. In Honolulu. I was in Honolulu, at the immigration station.

10. Major CLAUSEN. And following the receipt of that letter, you did have a talk with Colonel Wyman?

Mr. DILLON. I did.

11. Major CLAUSEN. And what did you tell him, sir, and show him, concerning the letter, itself? Did you show him that letter? I mean this letter.

Mr. DILLON. My best memory is that I did show him that letter.

12. Major CLAUSEN. And where did this conversation take place?

Mr. DILLON. Either on the sixth or seventh floor of the Young Hotel building, in Honolulu.

13. Major CLAUSEN. And can you approximate the time when you had that conversation with Colonel Wyman?

Mr. DILLON. You mean in the day, or the date?

[4789] 14. Major CLAUSEN. No, I mean about the month, bearing in mind that this is February.

Mr. DILLON. Oh, by reference to a copy of this letter, it was in February, or early March, 1941.

15. Major CLAUSEN. Yes, sir.

16. General FRANK. Are you sure there are seven floors to the Young building?

Mr. DILLON. No, I am not. No, I am not.

17. General GRUNERT. But it was somewhere in the Young building?

Mr. DILLON. It was on the top floor, I believe, or the next to the top floor, in Young's hotel building.

18. Major CLAUSEN. Do you recall when you approached Colonel Wyman whether he was with other military personnel?

Mr. DILLON. My best recollection is that he was with one or two other officers, and they were around an elbow-high plan or drafting table.

19. Major CLAUSEN. And do you recall, then, where it was that you had your conversation with him?

Mr. DILLON. I couldn't with definiteness state whether we went off a pace or two, or whether he continued on there at that table and I interrogated him there, or whether we went off to a little room. I can't recall.

20. Major CLAUSEN. Before you had your conversation with him, did you identify yourself as to who you were?

Mr. DILLON. I did.

21. Major CLAUSEN. And do you have that identification with you?

Mr. DILLON. Yes, I have. I carried this identification [4190] of the Department of Justice, indicating I was a naturalization examiner from the Immigration and Naturalization Service.

22. Major CLAUSEN. And just what did you tell him with regard to Hans Wilhelm Rohl?

Mr. DILLON. Either I handed him the letter for him to read—

23. Major CLAUSEN. You mean this letter dated February 20, 1941?

Mr. DILLON. Yes, from our Los Angeles office; or I orally told him that we had received a communication from our Los Angeles office making inquiry regarding Rohl, and the fact that there were some suggestions he made a representation he was a United States citizen, and asking Colonel Wyman whether he knew about that, or whether

it was his understanding that he was a United States citizen. Now, he might have read the letter, and from the letter indicated what his understanding was about the representation.

24. Major CLAUSEN. Did you tell him that Rohl had an application for citizenship?

Mr. DILLON. Yes, I did—that he was an alien applicant.

25. Major CLAUSEN. Now, this conversation took some 10 to 30 minutes, is that correct, Mr. Dillon?

Mr. DILLON. That is approximately correct. It certainly was not more than 30 minutes.

26. Major CLAUSEN. Do you recall exactly, without referring to your reply to this letter of February 20, 1941, what the results of your findings were with respect to Colonel Wyman, and what he said to you, and what you said to him?

Mr. DILLON. Well, I returned to the immigration station [4191] and typed, myself, the substance of the information that he supplied me.

27. Major CLAUSEN. That letter to which you refer is this letter dated March 1, 1941, from yourself to the District Director, Immigration and Naturalization Service, at Honolulu, which in the lower left-hand corner indicates it was referred to the District Director at Los Angeles, on the same date, March 1, 1941, is that correct, sir?

Mr. DILLON. That's my report.

28. General GRUNERT. And that letter is already in our record, is it?

29. Major CLAUSEN. Yes, sir. I have read it in evidence, sir.

Just take a look at the letter to which I invited your attention, Mr. Dillon, and state to the Board whether that is the identical letter which you sent in response to the letters from the District Director at Los Angeles.

Mr. DILLON. That is my report to my District Director, to be forwarded to the District Director at Los Angeles, as a result of my interview with Colonel Wyman.

30. Major CLAUSEN. And inviting your attention, Mr. Dillon, to the signature of James P. Dillon, in the lower right-hand corner, is that your signature?

Mr. DILLON. That is.

31. Major CLAUSEN. And to the signature of Mr. Strench, in the lower left-hand corner; is that the signature of Mr. Strench?

Mr. DILLON. I recognize his signature; yes.

32. Major CLAUSEN. Who was Mr. Strench?

[4192] Mr. DILLON. Mr. Strench was the District Director of Immigration and Naturalization for the Honolulu District.

33. Colonel TOULMIN. At that time?

Mr. DILLON. At that time.

34. Colonel TOULMIN. I notice the date on there, of March 1, 1941. Who put that rubber-stamp date on there, do you know?

Mr. DILLON. Mr. Strench's secretary.

35. Colonel TOULMIN. That was his custom, and it was the custom of your department, to have somebody put that rubber-stamp date on, when Strench certified a letter to be correct?

Mr. DILLON. I couldn't vouch for that, because his office was on the other side of the building, and I didn't see this file thereafter.

36. Colonel TOULMIN. Was it customary to have two signatures on a letter of this sort?

Mr. DILLON. No. Sometimes a covering letter would be written, independent of the report, and forwarded. Other times, to shorten the correspondence, he would just make a forwarding notation, as he did in this case.

37. Colonel TOULMIN. All right.

Major CLAUSEN. At this time, in conformance with the direction of General Frank, I will ask that the letter, dated March 1, 1941, to which the witness has referred, and which has been authenticated by the witness, be copied into the record at this point.

38. General FRANK. It is the letter to which the witness has referred as his original letter, bearing his original signature.

39. Colonel TOULMIN. And it is endorsed by his superior, when forwarded to the addressee.

[4193] 40. Major CLAUSEN. That is right, sir.

(The letter referred to, dated at Honolulu, Hawaii, March 1, 1941, is as follows:)

U. S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Honolulu, Hawaii, March 1, 1941.

Airmail.

665/Rohl

DISTRICT DIRECTOR,

*Immigration and Naturalization Service,
Honolulu, T. H.:*

Los Angeles File B-23-1876, HANS WILLIAM ROHL, Feb. 20, 1941.

In accordance with the directions contained in the above captioned letter, I called on Colonel Theodore Wyman, Jr., District Engineer, United States Army, for information regarding subject alien and particularly whether the alien applicant had ever in any manner represented or assumed himself to be a citizen of the United States.

Colonel Wyman in substance stated that he first became acquainted with the alien in California some time ago. That the Rohl-Connolly Company, with which the alien is associated had done construction work for the Department of the Interior in the Indian country as well as projects on the Colorado River. During the construction of a breakwater in the California area, Colonel Wyman came in contact more or less with Mr. Rohl. During those business relations in California, Colonel Wyman, assumed [4194] without any basis therefor, that Mr. Rohl was a citizen of the United States. He knew from hearsay that Rohl was born in Germany and that his father had been a professor of engineering in a German university. Colonel Wyman stated the applicant gathered about him in his organization only high-grade men. That the quality of his work was excellent. Contracts were always faithfully carried out. That Mr. Rohl was a man of integrity. His outstanding social diversion was yachting.

As a result of the national defense efforts, the Rohl-Connolly Company, W. E. Callahan Company and another group, organized the Hawaiian Constructors, Ltd., to procure construction contracts in Hawaii. It was in connection with one of these projects that Colonel Wyman wrote his letter of January 22, 1941, to Mr. Rohl. To summarize in a word, Colonel Wyman said the alien never represented himself to be a citizen of the United States and if there was any misunderstanding in that regard it was due to the assumption of such citizenship by the Colonel himself.

[SEAL]

(Signed) JAS. P. DILLON,
U. S. Naturalization Examiner.

Respectfully referred to—

District Director,
Los Angeles District.

(stamped :) MAR 1 1941

(Signed) W. G. STENCH,
*District Director,
Honolulu District.*

(Stamped on face of letter :) RECEIVED MAR 11 1941

[4195] 41. Major CLAUSEN. I have no further questions.

42. General FRANK. Mr. Dillon, are you positive that in your conversation with Colonel Wyman you made him understand positively that Mr. Rohl was an alien?

Mr. DILLON. Very definitely, yes.

43. General FRANK. There is no question about that in your mind?

Mr. DILLON. None at all.

44. Colonel TOULMIN. What did Colonel Wyman say, when you told him that? Did he express surprise, or was it something he apparently already knew?

Mr. DILLON. No. From reading my report in the anteroom before I came into the hearing, Colonel Wyman appeared to be under the apprehension that Rohl was a citizen of the United States.

45. Major CLAUSEN. That is what he told you?

Mr. DILLON. Yes.

46. Major CLAUSEN. But you had no way of knowing whether that was a fact?

Mr. DILLON. No; I did not know what his state of mind was, except what he suggested.

47. General GRUNERT. Mr. Dillon, is there anything else that you think of, that you think the Board ought to know? Have you anything in mind that you would like to express to the Board on this particular subject, that might assist it in coming to a conclusion?

Mr. DILLON. I can't say that I have. My memory, of course, is commensurate with the time that has elapsed since my report in 1941. I haven't any occasion to have thought of [4196] the matter since that time, other than a broadcast that I mentioned out in the anteroom, to the Major, two or three months ago.

48. General GRUNERT. But there is no question in your mind as to the testimony you have given as to that record?

Mr. DILLON. None at all, sir.

49. General GRUNERT. Nor as to that letter which you signed?

Mr. DILLON. No, sir.

50. General GRUNERT. All right; thank you, very much.

Mr. DILLON. You are welcome.

(The witness was excused, with the usual admonition.)

[4197] **TESTIMONY OF THE HONORABLE JOSEPH CLARK GREW,
FORMER AMBASSADOR TO JAPAN, DEPARTMENT OF STATE,
WASHINGTON, D. C.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Grew, will you please state to the Board your name and address.

Mr. GREW. Joseph Clark Grew; official address, Department of State; personal address, 2840 Woodland Drive, Washington.

2. General GRUNERT. Mr. Grew, the Board very much appreciates your coming over. We wanted to come over to see you, but I understood you insisted on coming to us, and we appreciate it very much.

Mr. GREW. Very happy to!

3. General GRUNERT. In this particular part of our investigation I am going to ask General Russell to lead in asking the questions, and

then, if the rest of the Board have anything to add, they will interrupt or add, afterward.

4. General RUSSELL. You were formerly our Ambassador to Japan?

Mr. GREW. Yes, sir; I was.

5. General RUSSELL. Would you state for the purpose of the record just what period of time was covered in that activity?

Mr. GREW. I was Ambassador to Japan, and I presented my credentials there on June 14, 1932. I functioned officially until December 7, 1941.

6. General RUSSELL. There was a very good reason for the termination of your services as Ambassador to Japan, on the 7th of December, 1941, was there, Mr. Grew?

Mr. GREW. I would say, a compelling reason, General.

[4198] 7. General RUSSELL. During the period that you were out there as Ambassador to Japan, did you keep a diary of the events which you considered worthy of preserving?

Mr. GREW. I did, sir.

8. General RUSSELL. Later, did you embody the contents of that diary in a book which you published?

Mr. GREW. I did, sir—part of the contents.

9. General RUSSELL. It embodied only part of the contents?

Mr. GREW. A very small part, because there was not room for the voluminous diary which I kept during those years.

10. General RUSSELL. Mr. Ambassador, is the book which I have in my hand, and which I now exhibit to you, entitled "Ten Years in Japan," the book which was authored by you, with your diary as the basis?

Mr. GREW. It is, sir. It was based partly on my diary and partly on my official dispatches and telegrams.

11. General RUSSELL. Your relation with Washington was through the office of the Secretary of State, largely?

Mr. GREW. It was, sir.

12. General RUSSELL. It was our desire, Mr. Ambassador, that we have you identify this book, for the reason that the Board may want to incorporate in its record certain extracts from that book.

I wonder if you would be good enough to give the Board, very briefly, the trend in the development of the relations between the Japanese empire and the American Government, during your period of service as Ambassador to the Japanese empire, emphasizing, if you will, the trend in the years 1940 and 1941.

Mr. GREW. That, General, is a very broad subject, of [4199] course, and a very difficult subject to explain; I would say, to explain intelligently, in small compass. I would have to go into a great deal of background, I think, in order to give an adequate explanation of that trend.

However, I can say, in brief compass, that the trend of our relations during the period you mention; that is, the years 1940 and 1941; was almost steadily down-hill; we, of course, in our embassy in Tokyo, leaving nothing undone to arrest that trend; and I think everything was done that could possibly have arrested it, in our work in Tokyo. But, we were up against what I would call a "tidal wave" of military

extremism in Japan; and I think the results as culminating in Pearl Harbor proved that fact.

13. General RUSSELL. When, in your opinion, did it become evident that war with Japan was inevitable?

Mr. GREW. I could not put my finger on any particular date, General. My own position, there, was that I was going to fight up to the last possible minute to prevent war; and I did everything in my power to prevent it; and, not being a defeatist by nature, I was unwilling to admit that war was inevitable, up to the last minute. So that I cannot mention any particular date, prior to December 7, 1941, when I felt that war was definitely inevitable.

14. General RUSSELL. During the course of your service as Ambassador to the Japanese empire, the United States invoked certain economic embargoes against the Japanese empire. I do not recall when the first of these was invoked, but I remember some difficulties or some action of that sort I believe in the year 1940. What were your views on these economic embargoes [4200] and their relation to the international situation between the Japanese empire and the American Government?

Mr. GREW. I would like to say, first, General, that those embargoes were exerted not by way of penalizing Japan, or, at that time, of thwarting Japan, but rather because of our own preparedness program and the fact that we ourselves needed the materials which were then embargoed.

During the period up to, I think it was, the autumn of 1940, I took the position that economic embargoes against Japan—and embargoes are in the nature of sanctions and therefore are always interpreted as international insults—I took the position that we should not put embargoes on Japan, until we were prepared to go all the way through with whatever might result from those embargoes. I pointed out that when we put embargoes against Japan into effect, our relations with that country were bound to go steadily down-hill and it might, and probably would, end in war; and that until we were prepared to go to war with Japan, I felt it would be very short-sighted to get into a situation where we might be obliged at a later date to withdraw those embargoes. There is nothing so conducive to a lowering of national prestige, reputation, and authority as to make threats and then have to recall those threats or modify those threats. We saw that working out in the relations between Great Britain and Italy at the time of the Abyssinian campaign.

But, in the autumn of 1940, I telegraphed the Secretary of State that I felt the time had then come, since Japan was threatening not only our national interests, but, I would say, our vital national interests; I felt that the time had come to [4201] consider, not whether we must call a halt to Japan's expansion, but when. It seemed to me at that time, whether we were fully prepared for war or not, that we must in our own interests put those embargoes into effect; and, shortly thereafter, those embargoes were put into effect.

Our relations then started directly on a down-hill course, and they ended in war; but at least we were more prepared for war at that time than we had been two years earlier.

Does that answer your question, General?

15. General RUSSELL. Yes. It is true, though, that in this period of time when you were keeping the State Department advised of develop-

ments in the Japanese empire, you were insisting upon and pressing for adequate preparation militarily to implement the other policies?

Mr. GREW. I began to press for that, General, from the moment of my arrival in Japan in 1932, and I constantly kept developing that theme. I remember writing Mr. Stimson, who was then Secretary of State; I think it was in the latter part of 1932:

The Japanese army has been built for war, it feels prepared for war, and it wants war!

I have forgotten the word I used, but as I recollect, at that time I said it would be criminally "short-sighted," I think, not to recognize this fact and be prepared for anything that might develop in the Far East. Those warnings were, as I say, continued in my telegrams and dispatches throughout the ten years of my service there, right up to the end.

16. General RUSSELL. What in your opinion were the views of the Japanese people as to whether the American Government was [4202] prepared to fight, or would fight, for what they considered to be the proper thing in the Pacific?

Mr. GREW. The Japanese people as a whole, General, discounted our intention to fight, or our ability to fight. They regarded us, no doubt based on the propaganda with which they had been filled, out there, as a "decadent nation," in which pacifism and isolationism practically ruled the policy of our Government. The Japanese propaganda machine took every good care to emphasize in the Japanese press all the speeches made by our isolationists and pacifists in this country, very often spreading big headlines in their newspapers, and they were very careful to publish nothing on the other side of the picture; so that the Japanese people received what I considered to be a totally wrong impression of the spirit of the American people and the possibility that if sufficiently provoked the United States might go to war, and would be capable of waging total war, if it did.

17. General RUSSELL. Mr. Ambassador, we have read your book, and we have made a study of the book "Peace and War" which was prepared under the supervision of the State Department, the most of which, as it relates to our dealings with Japan, is constructed around the information which you sent back from Japan. There are two or three things in this book which we want to impose on you for a minute to ask you about.

[4203] There is a message of January 27, '41, which is the message that some conversation was occurring between the consulates in Japan in which the Japanese source had stated that in event of trouble with the United States a mass attack on Pearl Harbor was planned by the Japanese. We have wondered what the basis of that message might be.

Mr. GREW. General, the basis of that message was a statement made to a member of my staff by the Peruvian Minister in Tokyo, a man in whom I had full confidence, on the basis of reports which he had heard from Japanese sources. I do not know the actual sources from which he received that report, by name, but they were such that he placed a certain amount of weight upon them; and, while in imparting this information to the member of my staff the Minister said that he considered it a fantastic rumor, at the same time he felt that it was sufficiently important to justify his passing it on to me.

18. General RUSSELL. And the Peruvian Minister from whom you received the information was a man of such type and you attached importance to it to the extent that you forwarded that information to the Secretary of State?

Mr. GREW. Yes, sir; he was a substantial man, a close personal friend of mine. I knew him very well, I had known him for years, and I was quite certain that he would not mislead me in anything that he might pass on to me.

19. General RUSSELL. Mr. Ambassador, jumping over the period of several months, we come to a message which you sent to the Secretary of State on the 3rd of November 1941, which has impressed us considerably. Do you remember that particular message?

[4204] Mr. GREW. I do, sir.

20. General RUSSELL. After the message had been sent, I recall some statement which I have seen some place to the effect that you at that time regarded that message as containing data that would become historical, or words to that effect. We were wondering if at that time, and I refer now to November 3, 1941, you had about reached the conclusion that the relations had deteriorated to the point that war was inevitable.

Mr. GREW. As I said, General, there was no point at which I had come to that conclusion. I felt, as stated in that telegram, that there was a grave likelihood that Japan would attack us; and I said in that telegram that she might attack or might take action which would bring about war with the United States with dangerous and dramatic suddenness; and in another telegram shortly after that, on November 17th—I am not sure it is in that book. These two books (indicating)—

21. General RUSSELL. Yes, I have it marked. I was going to ask about it.

Mr. GREW. These two books are more complete than that book (indicating). These two volumes.

22. General RUSSELL. Yes, sir.

Mr. GREW. Then I perhaps need not refer to the second volume.

23. General RUSSELL. No. I was going to ask about it in a moment, so we shall consider them together.

Mr. GREW. Well, in the second volume, as I recollect, I said that the sands are running fast, and I also said that Japan would in all probability adopt the tactics of initiative [4205] and surprise, and that the Government in Washington should not depend upon me to inform it when and where the Japanese would attack, because I would not know, the Japanese being past-masters at secrecy. As I recollect it, that was the pertinent part of that telegram of November 17, although I haven't the text before me now.

24. General RUSSELL. Your recollection of it seems to be very accurate and definite, but I should like at this point, for the purpose of the record, to read into the record the last paragraph of your message of November 17, 1941.

Mr. GREW. Yes, sir.

25. General RUSSELL. I am reading from the message:

We are fully aware that our present most important duty perhaps is to detect any signs of naval or military operations likely in areas mentioned above, and every precaution is being taken to guard against surprise. The Embassy's field of naval and military observation is restricted almost literally

to what could be seen with the naked eye, and this is negligible. Therefore, you are advised, from an abundance of caution, to discount as much as possible the likelihood of our ability to give substantial warning.

I want to ask you this question, which violates our statement this morning that opinions would not be requested, but I am anxious to get this opinion anyway:

We have considered what could have been done by the Intelligence sections of our Army and Navy to have watched [4206] military or naval activities in the islands of Japan—the home islands and the home waters of Japan—which might have resulted in detecting the Japanese task force which operated against us at Pearl Harbor on December 7, '41, had sufficient personnel been available to those agencies for the coverage of the islands and the waters adjacent to the Japanese islands. I think that question is wandering in its nature, but what I am attempting to learn, as a basis possibly for some action, is: What could we do to keep up with that sort of people?

Mr. GREW. I would answer your question this way, General: I stated in that telegram I sent that we would probably be restricted to reporting what we saw actually with the naked eye, and I based that on the following situation:

In Japan in '39 or '40—I have forgotten the exact date—they passed an anti-espionage law which was so tight that any Japanese who was found directly or indirectly communicating any kind of information which could be possibly interpreted as revealing some Japanese secret to a foreigner, could be given the severest penalties, even to the death penalty, I think, as I remember it. The result of that law was that our contacts in Japan simply fell away from us because they didn't dare see us. I myself had the greatest difficulty in keeping up contacts with any of my former Japanese friends who in days past had been able to keep me to a certain extent informed of what was happening. But that became utterly impossible after this law was passed. The Japanese were just afraid to be seen communicating anything to us.

Now, to answer your concrete question, if we had taken measures to increase our personnel in Tokyo at that time, it [4207] could only have been done through the use of undercover Japanese, because it would have been utterly impossible for any foreigner, I think, to have been able to get at facts such as you have in mind; and I do not think I am in a position to say whether it would have been practical and helpful and would have brought about results if we had had a larger personnel there.

In that connection I would much prefer to leave that question to our military and naval attaches, Commander Smith-Hutton and Colonel Creswell, who would be in much better position to answer it than I am. I am afraid that is about as much as I can tell you on that point.

26. General RUSSELL. All right. We shall go to something else.

Are you familiar with the memorandum which was prepared by the Secretary of State and delivered to the Japanese Ambassador in Washington on the 26th of November, 1941, in which the Secretary of State outlined the proposed basis for agreement between the United States and Japan? It is commonly referred to as the message of November 26.

Mr. GREW. Yes, sir, I am.

27. General RUSSELL. Do you recall when your attention was first called to that message and you became familiar with its contents?

Mr. GREW. Do I recall the date on which I was——

28. General RUSSELL. On which you became familiar with its contents.

Mr. GREW. No, sir, I could not recall the precise date at which I was informed of it, without exploration.

29. General RUSSELL. Was it prior to December 7, '41?

[4208] Mr. GREW. Oh, yes.

30. General RUSSELL. Was it some date before December 7th?

Mr. GREW. Yes, undoubtedly.

31. General RUSSELL. Was that message given publicity in the Japanese press, if you recall?

Mr. GREW. I do not want to commit myself on that, General, because I frankly do not recall precisely. I believe it was published, but I would have to look it up. I would have to look up the record because my memory might serve me falsely on that.

32. General RUSSELL. What was the reaction of the Japanese people, both private and official, to that document, if you remember?

Mr. GREW. The reaction of the Japanese military people and also of probably the majority of the civil government officials, who took their cue from the military at that time, was that they characterized that memorandum as an ultimatum. If I may do so, I should like in that connection to express the personal opinion that that attitude of the Japanese officials to the memorandum as an ultimatum was totally unsound and wrongly based.

33. General RUSSELL. It is your considered opinion, therefore, that they used it as a pretext for the accomplishments of what they desired?

Mr. GREW. Yes, sir. It was in no respect an ultimatum, either in tone or substance.

34. General RUSSELL. Mr. Kurusu came over in the fall of 1941, late in the fall, to participate in these negotiations. There has been discussion as to the type of man he was, and [4209] his outlook on international relations and Japanese military ambitions and his friendship for the American Government. Would you care to discuss him for just a moment for us?

Mr. GREW. I can say this, General: that prior to the fall of the—I take it that these records are completely secret, aren't they?

35. General RUSSELL. Secret, yes, sir.

Mr. GREW. I just want to be sure of that point because of certain things I wouldn't care to say which might be later published.

36. General RUSSELL. Well, now, if anything that you are about to say would be inimical to our future operations or our future relations with the Japanese nation or other nations, it probably would be better for them not to be said.

37. General FRANK. Or go off the record.

38. General RUSSELL. Or go off the record.

39. General GRUNERT. I would suggest, Mr. Ambassador, that you speak to us off the record, because I do not know who is going to get these records of this investigation.

Mr. GREW. I see.

40. General RUSSELL. Well, in the light of the Ambassador's statement that he has just made, I shall withdraw the question, because there would be no point in insisting on it.

41. General GRUNERT. That would be better.

Mr. GREW. Well, I think I can say something first on the record and then something off the record.

Continuing on the record, I would say this: that before the fall of the government of Prince Konoye, Admiral Toyoda, the Minister of Foreign Affairs, told me that Admiral Nomura, [4210] the Ambassador in Washington, was very much fatigued and that he wanted to send a Japanese diplomat who had a complete knowledge of English to help him in his work. I knew that that phrase, "very much fatigued," was merely camouflage for the feeling in Tokyo that Admiral Nomura's knowledge of English was not sufficient to the job and that in certain cases his reports of his talks with the President and Mr. Hull were neither complete nor accurate.

I think Admiral Toyoda based that feeling on the fact that after these conversations took place in Washington with Admiral Nomura I received from Mr. Hull a full report of those conversations, and for the purpose of checking up and leaving no margin for error I was in the habit of passing my reports on to the Foreign Minister so that he could check up on his own reports to be sure of the accuracy and adequacy of the reports he received from the Japanese Ambassador in Washington. I am aware that in a great many cases he found that the reports which I submitted to him were considerably more complete than the reports that he had been receiving from the Japanese Embassy, and I have no doubt that he wanted to send a Japanese diplomat to Washington for the purpose of overcoming those defects in Admiral Nomura's handling of the situation.

Now, nothing happened during the life of the Konoye cabinet. Admiral Nomura simply told me that he was considering approaching a certain Japanese diplomat whose name he did not mention to me, but he would not feel in a position to say anything more until he had the matter settled. But the Konoye cabinet fell very shortly thereafter; and within a very [4211] few days, as I remember it, of the establishment of General Tojo's government the Foreign Minister, Togo, came to me and said that he wanted to send Mr. Kurusu to Washington to cooperate with Admiral Nomura.

Now, putting those two things together, it is perfectly logical to assume that Mr. Togo was simply carrying out Admiral Toyoda's original intention to send to Washington a Japanese diplomat who had full command of English.

Mr. Kurusu probably had the best command of English of any Japanese diplomat. He spoke perfect English, he was married to an American, he had associated a great deal with Americans in times past, and he would have been the logical man to choose if the purpose of sending him was to support Admiral Nomura in his work.

Now, to pass from there to the general belief in our country that Mr. Kurusu was sent for the purpose of pulling the wool over our eyes and to lull us into a false conception of the situation, I do not feel in a position to express an opinion. I don't know. I merely submit that evidence, which has always seemed to me of some importance in interpreting Mr. Kurusu's mission.

Now, that is for the record. I shall now speak off the record.

(There was colloquy off the record.)

42. General GRUNERT. Are there any questions?

43. Colonel TOULMIN. Yes; I should like to ask the Ambassador one or two questions.

I think it would be helpful if we put this book in evidence, and as a preliminary to that I should like to ask [4212] you a question or two. This volume of yours, "Ten Years in Japan," which was published in the United States, 1944, represents a composition of extracts from your diary and also copies of certain messages that you selected which were official in character; is that correct, Mr. Grew?

Mr. GREW. Yes, sir.

44. Colonel TOULMIN. And we can take it that it represents, as accurately as you know how, in the year 1944, the conditions that are recited and related in this book?

Mr. GREW. Yes, sir, it does. I would add to that, however, the fact that this diary of mine was scribbled from day to day, and I often had to revise the opinions which I put down one day, shortly thereafter when new information came to me or maturer thought caused me to revise those opinions. What I wrote and what is published here is an accurate statement of what I was thinking at the time it was written.

45. Colonel TOULMIN. That is what we are interested in.

46. General FRANK. And the question about it is: It is as nearly factual as it is possible to make it?

Mr. GREW. Yes, sir.

47. Colonel TOULMIN. And with that understanding we would like to have this marked in evidence as an exhibit next in order number.

(Book, "Ten Years in Japan," by Joseph C. Grew, was marked Exhibit No. 62 and received in evidence.)

48. Colonel TOULMIN. Now there are one or two questions I would like to ask, if I may.

As I take it from your testimony, war was more or less certain in the latter part of 1941; is that correct?

Mr. GREW. Colonel, that phrase "more or less" is open to considerable latitude. I don't know that you can say that it was more certain or less certain. I would say that it was likely during the latter part of '41.

49. Colonel TOULMIN. And became increasingly so as the sanctions were applied?

Mr. GREW. And became increasingly likely to happen, but I was unwilling to say at the end that it was certain to happen. I think in one place in my diary I actually used the phrase that, "War is not only possible but probable."

50. Colonel TOULMIN. I recall that.

Mr. GREW. I think I did not go further than that.

51. General FRANK. May I ask a question right there? May I phrase that question a little differently: Considering the state of preparedness of Japan as compared to the state of preparedness of the United States and the advantage that another one or two or three months would have, is it not your opinion that the Japs—the Jap Army and Navy and Air Force—were about as ready at this time for war with the United States as they could be?

Mr. GREW. Yes, sir, I think so. If the whole problem had lain with the military authorities, I would have said without question that war was inevitable, but there were times when I believed the Japanese government was doing its best to prevent war, for the reason that it realized much better than the military people did what might be the result of war. It realized at best it was going to be a terrific gamble, and some of the more far-seeing statesmen realized that it might involve Japan in the gravest dangers, and some of those statesmen undoubtedly did their best to arrest the expansionist movement. [4214] Now, the question at that time was whether they would be successful or not, and, as I say, I was not in a position to answer that question definitely and finally prior to the outbreak of war.

52. Colonel TOULMIN. What do you think, then, Mr. Grew, was the motivating cause and incident that brought about the decision of Japan to go to war? At what time do you think factually something occurred that committed them to this course of action?

Mr. GREW. When you speak of Japan, Colonel, the phrase requires a little explanation. There are two Japans. In Japan the army and navy are practically independent of the rest of the government. The War Minister and the Navy Minister, although members of the Cabinet, report directly to the emperor over the heads of both of the Cabinet and the Prime Minister.

Now, we have very good evidence that caused us to believe that when the Japanese Army invaded Manchuria in 1931 the then Cabinet did not know of those plans. I have very definite evidence to convince me of that fact. I do not think that the Foreign Minister, Baron Shidehara, knew that that was about to happen, and that belief was confirmed later to me, or at least it was heavily weighted, when Baron Shidehara, who was, I would say, a completely honest man, or the best Japanese statesman that we have known, gave assurances to my predecessor, Cameron Forbes, that the Japanese Army would not move beyond Mukden, whereas it was later shown that at the very moment that Baron Shidehara was giving those assurances the Japanese Army was already a hundred miles beyond Mukden, but he wasn't allowed to know it.

[4215] Now, arguing from that basis, I think it is perfectly possible that the Cabinet was not informed of the plans for attacking Pearl Harbor. My belief is—well, I won't say confirmed, but it is increased by the fact that I had a conversation with Mr. Togo, the Foreign Minister, at half past twelve, half past midnight, on December 7, 1941. That was about three hours before Pearl Harbor. And I have always been convinced from the nature of that conversation that Mr. Togo did not at that moment know that Pearl Harbor was about to break. I have had other evidence, too, which convinces me personally that he didn't know.

So when you speak of Japan having made the plans, I would prefer to refer to the military authorities and not to the government as a whole.

53. Colonel TOULMIN. Well, suppose we limit the question to that extent.

Mr. GREW. Now, to go back, I am coming to your question. We will go back to the military people, the army and the navy: At what point

did they decide definitely to attack? Naturally, they had all their plans made for years beforehand, in the case of war with America. They were very foresighted in those respects, and they had their plans drawn up probably right down to the last detail; but as for the moment at which the button was touched, I don't myself know exactly how long it would have taken their carriers to get from where they were to the point at which they attacked Pearl Harbor; but it has always been my belief that it was about the time of the receipt of Mr. Hull's memorandum of November 26 that the button was touched. I can't [4216] prove that; I have no evidence. It is just my general feeling.

54. Colonel TOULMIN. Well, now, one more question and I am through burdening you: You referred to the economic sanctions, the various restrictions we put on our commerce with Japan. Did not those restrictions start, as I recall it, in 1938 or '39 to some degree, and progressively were increased as the years went on?

Mr. GREW. As I recollect it, we began with what we called moral embargoes.

55. Colonel TOULMIN. Yes.

Mr. GREW. That is, our government let it be known that it hoped that these things would not be sent to Japan, but there were no legal steps taken at that time. I am afraid I cannot tell you offhand, without looking it up, just what dates the legal steps were taken and how they continued. I don't recollect the dates at this moment.

56. Colonel TOULMIN. You mentioned, though, in your diary, during the fall of 1941 quite frequently, as early as the early part of the autumn, and particularly mentioned the fact that the sanctions then being applied were driving Japan into bankruptcy, I think sometime in October. That would be approximately the time?

Mr. GREW. Well, my recollection is that they began to enforce the embargoes in the late autumn of 1940. I cannot confirm that. It was some time along there, I think.

57. Colonel TOULMIN. Well, at the beginning of the enforcement of the embargoes you were in the last stage of your relationships, were you not, because if you were not successful with such embargoes you only had one other alternative; two [4217] alternatives: either to withdraw them or to precipitate a conflict. Is that correct?

Mr. GREW. No, I don't think we argued it that way. Of course, there were not only the embargoes but the freezing order and the denunciation of our treaty and commerce with Japan, which had taken place considerably earlier; several steps one after another. We did not—now, are you speaking about us and the Embassy, or the Government?

58. Colonel TOULMIN. I am speaking of the Government of the United States.

Mr. GREW. Government of the United States. I cannot tell you offhand what the position was of Mr. Hull at that time. I would much prefer to leave that question of opinion to him.

59. Colonel TOULMIN. Well, I am interested in the effect on Japan, as you observed it, the factual matter as far as you determined it to be a fact, when the embargoes had become sufficiently severe to precipitate a critical issue between Japan and the United States.

Mr. GREW. Yes; the embargoes, I will say, especially plus the freezing order, did undoubtedly greatly increase the tension at that time.

60. Colonel TOULMIN. And about what time did that reach its peak?

Mr. GREW. It was progressive, and continuously progressive up to the end.

61. Colonel TOULMIN. Increasingly so as you applied each sanction one after the other?

Mr. GREW. I would say so, yes.

62. Colonel TOULMIN. And the effects became apparent?

[4218] Mr. GREW. The effects became apparent.

63. Colonel TOULMIN. So that the relationship under the economic sanctions was gradually narrowing to a point of some decision by one government or the other that something must be done about it; isn't that a fair statement?

Mr. GREW. Yes, I would say that is a fair statement, Colonel. I do not mean to say, when you say something had to be done about it, that it had to be war, because there were other things to do about it besides war. The Japanese at that time could have taken steps to meet some of our views in connection with their expansion through the Far East. They could readily have done that, and if they had done that we might, for our part, have relaxed some of the economic pressure which we were placing on them. I think that that would have been a perfectly logical thing to have happened, but it didn't happen.

64. Colonel TOULMIN. Knowing the Japanese Army and Navy and their independent policy, it would be rather to be expected that they would resort to some hostile action rather than to any other type of action; would not that be the fact?

[4219] Mr. GREW. Certainly, as far as the Japanese military machine went, yes; but there, again, it became a question of whether the government was going to be able to control the military machine or not.

65. Colonel TOULMIN. That is all I have. Thank you.

66. Major CLAUSEN. Sir, do the various books to which you have made reference in your testimony contain all the information that you conveyed to Washington on the likelihood of war?

Mr. GREW. I could not say that, I do not believe, because I sent a great deal of material during all of that period to the State Department, both by telegram and by written dispatch, and it would have been impossible within the confines of two volumes to have published all of that material. I think the high lights have been published, but I could not say that it has all been published. Frankly, I could not answer that question without looking into it, but I am sure that everything I wrote was not published, by any means.

67. Major CLAUSEN. The natural question, sir, would be, whether the files to which you refer, which might reveal other information, had been scanned by you and screened by you, so that you had selected therefrom the most outstanding pieces of information that you sent to Washington.

Mr. GREW. I, myself, did not choose the documents which were published in these books. These were determined by other officials in the State Department. I am referring to these two official books on the foreign relations of the United States and Japan, 1931-41. This volume is more or less a prelude to these two volumes; but these expand the material contained in this one.

[4220] 68. Major CLAUSEN. Now, with reference to your book, "Ten Years in Japan," does my question evoke any information in that regard?

Mr. GREW. I can say that I think that I certainly picked out the high lights of my reports during that period. I couldn't do them all, but the high lights, I think; yes.

69. General GRUNERT. There is one question that I have that I will see if I can frame properly. Considering the military, and their direct access to the emperor, then considering what we will call the "civil," as distinguished from the military, they also had direct access to the emperor, did they not?

Mr. GREW. The civil government? The prime minister, certainly.

70. General GRUNERT. But, with the military in the saddle, they overrode, possibly, what the prime minister wanted to do?

Mr. GREW. They were certainly in a position to do so; yes, sir.

71. General GRUNERT. Now, we take Nomura and Kurusu, here in Washington; following your line of thought that possibly the prime minister did not know what the military intended to do, then is it natural to assume that Nomura and Kurusu, being his agents, did not know?

Mr. GREW. That is correct, sir; but I would like to make a little more clear that statement of mine, and that it is possible that the civil government were not informed of the plans to attack Pearl Harbor, in advance. That does not for a moment mean that they were not informed of the likelihood that under certain circumstances war might occur. Of course, they knew that, without any shadow of doubt; and Nomura and Kurusu knew [4221] that, too. I was referring purely to the attack on Pearl Harbor, itself.

72. General GRUNERT. But is it not also true that the "military," so-called, in Japan, undoubtedly kept in very close touch with what was happening in Washington, and that therefore they probably chose the most psychological moment at which to start something, from wherever it did start, to make the attack on Pearl Harbor?

Mr. GREW. I would say that their intelligence was probably very complete, and therefore, they must have known pretty well what was taking place in our country at that time.

73. General GRUNERT. Then it is liable to be more than a coincidence that they should start a task force to attack Pearl Harbor just about the time the tension was greatest here, and the information had been passed out on November 26, which amounted practically to an ultimatum, or which they considered an ultimatum, is that reasonable?

Mr. GREW. Now, if you say "which amounted to an ultimatum," I, of course, take issue with that, because I do not consider that that document was in any respect, in tone or in substance, in the nature of an ultimatum. It was not so intended, and it was not so phrased.

74. General GRUNERT. Did I understand you to say that the Japanese press took it as such?

Mr. GREW. Well, the Japanese authorities, the military authorities, took it as such, themselves; yes. They wanted to!

75. General GRUNERT. But it did appear to be more than a coincidence that they should start something from Japan that [4222] would hit Pearl Harbor just about the time those things came out of Washington, which Japan, the military at least, considered an ultimatum?

Mr. GREW. In other words, General, you mean that they probably took this memorandum of Mr. Hull's as a hook on which to hang their attack?

76. General GRUNERT. On which to start their task force from the main island, or wherever it did start, so as to hit Hawaii December 7.

Mr. GREW. Yes.

77. General GRUNERT. It is not beyond reason?

Mr. GREW. No, no. I am not sure that I entirely understand your question as to whether it is a coincidence, or not. I think the military wanted to attack us, and when that memorandum was written, they saw their chance to work up the war psychology in their own country, by professing to believe that memorandum was an ultimatum. They had their plans all laid. I dare say they felt that that was as good a time as any. They saw their chance to hang it on that. To that extent, I think it was hardly a coincidence.

78. General GRUNERT. I have just been handed a question which about fits in, here, and I think you have given the answer to it. The question is this:

Knowing the Japanese mind, do you think the Japanese military maneuvered the situation into a possible ultimatum, so as to strike at that time?

Mr. GREW. I definitely do; but that is a question of opinion, nothing that we can ever prove.

79. General GRUNERT. Are there any other questions?

[4223] Mr. Ambassador, do you think of anything else that might be not only of interest to the Board but might be of value to the Board in coming to conclusions as to its mission, that you would like to tell the Board?

Mr. GREW. General, I think the field has been fairly well covered in the questions that have been asked me. I would be glad to be helpful in any way I can, and to submit any further evidence, but nothing occurs to me particularly at this moment.

80. General GRUNERT. I inquired of the particular Members of the Board that looked into these particular questions, how long they would need you, so as to have you give us the minimum of your time, and they said, at most, a half an hour. I see an hour and five minutes has gone by, and we certainly appreciate it very much.

Mr. GREW. Only too happy to be of service any time I can.

81. General GRUNERT. Thank you very much for coming. We certainly appreciate it.

(The witness was excused, with the usual admonition.)

[4224] **TESTIMONY OF MAJ. GEN. LEONARD T. GEROW, COMMANDING 5TH CORPS, STATIONED AT LUXEMBOURG**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. General, will you please state to the Board your name, rank, organization, and station?

General GEROW. Leonard T. Gerow, Major General, commanding 5th Corps, stationed at Luxembourg.

2. General GRUNERT. General, General Russell has this particular part of our investigation, in which we have parceled out so as to cover particular subjects; so he will lead in propounding the questions, and the members of the Board will fill out.

General GEROW. General, may I make just one little brief statement with reference to my memory on these things?

3. General GRUNERT. Yes.

General GEROW. I would like to make it a matter of record, if there is no objection.

The events concerning which I am about to testify occurred approximately 3 years ago. Since that time I trained a division for overseas service, took it to England where I served as its commander for about a year. Following that assignment I was designated to command the 5th Corps. I trained and equipped it for an invasion of the Continent and made detailed plans for its operations. I landed with the Corps on the beaches of France on D-Day, June the 6th. Since that date and until September 18, 1944, when I left the German border to come to Washington for this hearing, the Corps was continuously engaged with the enemy. Its operations extended [4225] from Omaha beach to the Siegfried line where units of the Corps are now fighting.

I make this statement in explanation of any failure on my part to recall in detail from memory events that happened during the period covered by this investigation. I have brought with me several papers that were prepared by me during the period November-December 1941, and one prepared since my arrival in Washington date on Friday last. I respectfully request permission to refer to these papers for the purpose of refreshing my memory.

4. General GRUNERT. I think the Board is glad to grant you that permission.

5. General RUSSELL. I will say further that whatever papers I have I shall be glad to pass on to you, General, and in any other way we will all help you.

General GEROW. Thank you, sir.

6. General RUSSELL. Now, what was your assignment in 1941?

General GEROW. I was the Assistant Chief of Staff of War Plans Division.

7. General RUSSELL. For that entire year?

General GEROW. I was either Acting Assistant Chief of Staff, War Plans Division, or Assistant Chief of Staff of War Plans Division from December 6, 1940, to February 15, 1942.

8. General RUSSELL. Yes. Now, General, if we can take our thinking off of Luxembourg and get back into what the Pacific was three years earlier: What were your responsibilities in connection with the operations in the Hawaiian Department in the year 1941?

General GEROW. As Chief of War Plans Division I was responsible for the supervision of the preparation of certain [4226] war plans that pertained to the defense of Hawaii, that is, the basic Department directives to the Commanding General of the Hawaiian Department for war operations.

9. General RUSSELL. General, the Board has heretofore had before it other witnesses and has gone rather thoroughly into these plans; so for my part, at least I shall omit any discussion of those plans with you.

Relative to the equipment which the Commanding General of the Hawaiian Department had in 1941 for reconnaissance and defense, do you think that you are fairly well familiar with that?

General GEROW. I am not, General. I prepared for the Roberts Commission a statement of the general operations of the War Plans Division; and I think appended to that report that I prepared were some statements regarding the general status of equipment at that time. I have a copy of that with me, sir, if it is not available to the Board.

10. General RUSSELL. Would you say, or not, as a generalization, that the equipment available to the Commanding General of the Hawaiian Department for reconnaissance at that time was adequate or inadequate? Do you remember that?

General GEROW. General, I cannot state positively whether or not it was adequate. I think the records of the War Department, however, would show whether or not in the opinion of the Department Commander he believed it to be adequate.

11. General RUSSELL. Were you acquainted with the defensive problems, or were you acquainted with the mission of the Army forces out on the Island of Oahu?

General GEROW. I was at the time, sir, and I can refresh [4227] my memory from these papers that I have here, from that report that I submitted to the Roberts Commission, as to the exact mission.

12. General RUSSELL. Do you know offhand what the Army was doing out there, why it was out there?

General GEROW. Yes, sir. I know that in general its purpose was to defend Hawaii.

13. General RUSSELL. What was its relation to the Navy?

General GEROW. I should like to—may I ask you to elaborate a little on that question, General, "its relation to the Navy"? That would cover—

14. General RUSSELL. Well, I will state it another way: Was the Army's mission out there to protect the Navy? Was that its sole mission?

General GEROW. One of its missions was to protect Pearl Harbor.

15. General RUSSELL. What other missions did it have?

General GEROW. May I refer to these notes, sir?

16. General RUSSELL. Yes.

General GEROW (Referring to notes). The missions assigned the Hawaiian Coastal Frontier under the Army strategical plan were as follows:

Joint—hold Oahu as a main outlying naval base, and control and protect shipping the coastal zone.

(B) Army—hold Oahu against attacks by land, sea, and air forces and against hostile sympathizers. Support naval forces in the protection of the sea communications of the associated powers and the destruction of Axis sea communication by offensive action against the enemy forces or commerce [4228] located within tactical operating radius of occupied air bases.

17. General RUSSELL. From what are you reading now, General?

General GEROW. I am reading now, sir, from this paper that I presented to the Roberts Commission.

18. General RUSSELL. What is the name of it?

General GEROW. The date of it, sir, is the—

19. General RUSSELL. No. The name of it.

General GEROW. The name of it. Simply a statement made by Brigadier General L. T. Gerow, Assistant Chief of Staff, War Plans Division, before the Military Commission, December 18, 1941.

20. General RUSSELL. But the things that you are reading there now came from the joint plans for the defense of Oahu by the Army and Navy, didn't they?

General GEROW. Yes, sir. This says, under the Army strategical plan, these are.

21. General RUSSELL. Well, you didn't prepare those and send them to the Roberts Commission?

General GEROW. No.

22. General RUSSELL. You copied them from some plans that were—

General GEROW. Yes, sir; these came from the War Plans. It is either the joint Army and Navy or the Army strategical plan.

23. General RUSSELL. All right. Those are in evidence, and I shall abandon the line of questions that I have been pursuing.

General GEROW. Yes, sir.

24. General RUSSELL. Do you recall offhand, without reference to any documents at all, what the War Plans Division thought [4229] of the possibility of an air attack on Oahu in the year 1941?

General GEROW. That was one of the possibilities that we considered.

25. General RUSSELL. Were you familiar with the relations between the American and Japanese Governments during the year 1941?

General GEROW. I was fairly familiar with those relations, yes, sir.

26. General RUSSELL. How would you describe those relations in the fall of 1941?

General GEROW. I should say that the situation was quite tense, that we felt in War Plans Division that anything might happen, even to the point of war between the United States and Japan.

27. General RUSSELL. When did you arrive at the conclusion that war with Japan was inevitable, if you did arrive at any such conclusion?

General GEROW. There was a general build-up, as I recall, between July and November of a picture which led to the conclusion in November that war with Japan might occur.

28. General RUSSELL. Do you think that was toward the end of November when that spirit was developed there in the War Plans Division, or that sentiment or feeling was developed?

General GEROW. No, sir; I would say it was probably in the earlier part, during the month of November.

29. General RUSSELL. Sometime during the month of November?

General GEROW. Yes, sir.

30. General RUSSELL. General, in order that we may go back into the thinking of those days, I have here a file in which [4230] you did some work. It is the original file from the office of the Adjutant General. It is No. 380.3. In it is an estimate of the situation in the Pacific, as compiled or developed by the Navy. The Navy message was to the effect that:

(Navy message dated 16 October 1941 is as follows:)

A grave situation has been created by the resignation of the Japanese Cabinet. If a new cabinet is formed it will probably be strongly nationalistic and anti-

American. If the Konoye Cabinet remains the effect will be that it will operate under a new mandate which will not include rapprochement with the United States. In either case, hostilities between Japan and Russia are a strong possibility. Since the United States and Britain are held responsible by Japan for her present desperate situation there is also a possibility that Japan may attack these two powers.

Meaning Britain and America.

In view of these possibilities you will take due precautions including such preparatory deployments as will not disclose strategic intention nor constitute provocative actions against Japan. Appropriate Army and Naval district authorities should be informed by CINCPAC and CINCAF.

[4231] That was a message that went out and, our records show, was delivered to the Commanding General of the Hawaiian Department. Apparently a study was made by you. This is in October of 1941.

General GEROW. Yes, sir.

31. General RUSSELL. And you do not agree with that, but you recommend that you send another message to the Hawaiian Department. This is your recommended message. This is the language: (Message to Hawaiian Department, recommended by General Gerow, October 1941, is as follows:)

Following War Department estimate of Japanese situation, for your information, tension between United States and Japan remains strained but no, repeat no, abrupt change in Japanese foreign policy appears imminent.

Now, that letter went out to the Commanding General of the Hawaiian Department on the 20th of October?

General GEROW. Yes, sir.

32. General RUSSELL. Could you look at that, your signature (indicating), and, with that, rework yourself into the atmosphere of the late fall of 1941, or the fall of 1941?

General GEROW. I remember the message.

33. General RUSSELL. Is it true, or not, that the War Plans Division concluded that the naval estimate of the situation, which was four days prior thereto, was a little more apprehensive of immediate war than the Army estimate?

General GEROW. Of course, General, we got our estimates of the enemy situation from G-2.

[4232] 34. General RUSSELL. Yes, sir.

General GEROW. And I remember discussing this particular situation with G-2's estimate, or with G-2, and reached the conclusion at that time that the Navy estimate was more pessimistic than we believed it should be, from the information that we then had at hand.

35. General RUSSELL. I had thought, General, that if you could recall it would be helpful to the Board if you could tell us something about what information the War Plans Division received from G-2 during 1941. Have you any record of any estimates that they sent you?

General GEROW. No, General, I have no record of any such estimates. I do know that estimates were submitted from time to time by G-2 to War Plans Division, and we discussed personally the various aspects of the situation.

36. General RUSSELL. Do you know what would happen in the case of these estimates that would come over from G-2? Would they be filed in your office?

General GEROW. Some of them might be filed in the War Plans Division files, but I cannot tell without checking.

37. General RUSSELL. Well, where else would they have been filed?

General GEROW. They would have been—might have been filed and returned to G-2; might have been returned to G-2 for file.

38. General RUSSELL. And they would either be in War Plans Division files or in G-2 files?

General GEROW. Or, I should say, add to that: possibly in the files of the Joint Board.

[4233] 39. General RUSSELL. Are those the only three places that you know where they might be?

General GEROW. There was often an exchange of information between the Army and Navy. There may be copies of some of those estimates in the Navy files.

40. General RUSSELL. You were at that time familiar with the agreements between the Army and Navy for the reconnaissance and defensive measures at Oahu?

General GEROW. Yes, sir, at that time.

41. General RUSSELL. And they were all embodied in these plans which were filed in the office of your division?

General GEROW. Yes, sir.

42. General RUSSELL. Now, we have discussed with you these messages of October 16th and October 20th, one a Naval and one an Army message. The next record, General, we have of a message which was sent by the War Plans Division to General Short, Hawaii, was a message of November 27th which went out from the Chief of Staff's office. I wonder if since your return from the European theater you have had reference to that message.

General GEROW. I have looked that message up, sir.

43. General RUSSELL. And now, by virtue of having looked it up since your return to Washington on Friday last, you are familiar with that message?

General GEROW. I am familiar with it, sir, and I have brought with me a memorandum which I submitted to the Chief of Staff regarding a conference I had with the Secretary of War on that message.

44. General RUSSELL. I see. Let me ask you one or two [4234] questions, and then we possibly will go into the conference about which you are talking.

General GEROW. Yes, sir.

45. General RUSSELL. Do you recall who initiated that message or why it was prepared?

General GEROW. May I read from my notes, General, which cover that point? These notes were prepared for the Chief of Staff on November 27th, the afternoon, the evening.

46. General RUSSELL. Of November 27, of what year?

General GEROW. 1941, sir.

47. General RUSSELL. Yes, do.

General GEROW. And they are fresher than my memory would be, sir.

48. General RUSSELL. All right.

General GEROW. This is a memorandum for the Chief of Staff:

Subject: Far Eastern Situation. The Secretary of War sent for me about 9:30 a. m. November 27, 1941. General Bryden was present. The Secretary wanted to know what warning messages had been sent to General MacArthur

and what were proposed. I gave him a copy of the joint Army and Navy message sent November the 24th. He told me he had telephoned both Mr. Hull and the President this morning. Mr. Hull stated the conversations with Japan had been terminated with the barest possibility of resumption.

I am not reading this exactly as it appears in this memorandum. I am refreshing my memory from it. This is a matter of record in the War Department and an official document and is available to the Board.

[4235] 49. General RUSSELL. What is in the War Department?
General GEROW. This particular memorandum from me to the Chief of Staff.

50. General RUSSELL. Where is it of record in the War Department?

General GEROW. I couldn't state. I imagine that it is in the hands of the Adjutant General or in the Chief of Staff's files.

51. General RUSSELL. All right.

General GEROW. Mr. Hull stated the conversations had been terminated with the barest possibility of resumption. The President wanted a warning message sent to the Philippines. I told him I would consult Admiral Stark and prepare an appropriate cablegram.

Later in the morning I attended a conference with the Secretary of War, Secretary of Navy, and Admiral Stark. The various messages to the Army and Navy Commanders and to Mr. Sayre were discussed. A joint message for General MacArthur and Admiral Hart was approved.

Now, my pencil note on this, which I put on after I saw this message, from memory:

Similar messages to go to other overseas commanders were prepared later the same day.

This is a separate——

52. General RUSSELL. Now may I ask a question there?

General GEROW. Yes, sir.

53. General RUSSELL. You say later in the day similar messages were prepared to go to the other commanders?

General GEROW. Yes, sir.

[4236] 54. General RUSSELL. Overseas commanders?

General GEROW. Yes, sir.

55. General RUSSELL. Now, and you made that note from memory?

General GEROW. Yes, sir.

56. General RUSSELL. And that has been done since you came to Washington the past few days?

General GEROW. Yes, sir, by consulting the records.

57. General RUSSELL. What records?

General GEROW. The War Department records showing what messages had been sent.

58. General RUSSELL. What was there about those messages to indicate that they were developed later that day, General?

General GEROW. They were dated on November 27, and it was a logical following up of the instructions of the Secretary to prepare messages for these overseas commanders; and I should like to carry on with my notes here to clear up that point, which I think will be explained.

59. General RUSSELL. All right.

General GEROW. On the late afternoon of November 27 I attended a conference in the office of General Bryden, the Deputy Chief of Staff. Present at the conference were: General Bryden, General Miles, General Gerow, and Colonel Bundy. The purpose of the conference was to discuss the inclusion in the message of November 27 of the statement,

Needed measures for protection against subversive activities should be taken immediately.

I cannot recall at what stage in the preparation of the messages this phrase was insterted in the message to Hawaii. It is possible that the draft was shown to G-2 by my staff and the phrase was inserted at the [4237] request of that office.

At the conference I objected to the phrase being included in the message. My position was that the War Plants Division message was specifically a warning against possible hostile action by the armed forces of Japan and should not be confused with a warning against sabotage; that, if G-2 desired to warn the command against sabotage, such a warning should be the subject of a separate message.

As a result of the discussion the phrase regarding subversive activities was stricken from the message, and the change initialed by me on the original. G-2 was authorized by the Deputy Chief of Staff to send a separate sabotage message to G-2 of the Hawaiian Department.

60. General RUSSELL. Therefore, the message of November 27, as finally approved with the subversive element eliminated, was actually approved in General Bryden's office late on the afternoon of November 27?

General GEROW. Yes, sir, and, if I remember correctly, was shown to the Secretary of War and initialed by him or approved by him.

61. General RUSSELL. Do you know who suggested that the other commanders, the overseas departments—the Hawaiian Department, the Western Defense Command, the Panama Command—be given the same or similar messages that the President and the Secretary of War had directed be sent to the Philippines?

General GEROW. It probably originated in War Plans Division as a normal procedure to follow in sending out such a warning message with regard to hostile activities on the part of Japan.

[4238] 62. General RUSSELL. You are very definite in your recollection now, which is supported by a contemporaneous memorandum to the Chief of Staff, that only the Philippines—and the Commanding General of the Far East and of the Philippines—was to be alerted or sent a message, according to the instruction of the President and the Secretary of War, in the beginning?

General GEROW. As my notes or my memorandum here indicates, the discussion in the Secretary's office was directed largely towards the message or primarily towards the message that was to go to General MacArthur and Admiral Hart. There is a reference in this memorandum which states as follows:

The various messages to Army and Navy Commanders and to Mr. Sayre were discussed.

I am unable at this time to fix in my mind the extent of that discussion. I know the conference lasted, say, for an hour.

63. General RUSSELL. That was at 9:30 in the morning?

General GEROW. That was a later conference, sir.

64. General RUSSELL. How many conferences did you have with the Secretary of War that day?

General GEROW. I had two, sir.

65. General RUSSELL. And the Secretary of War was not in on the third conference with General Bryden late in the afternoon?

General GEROW. No, sir; he was not, sir.

66. General RUSSELL. Then, the messages which went out were the result of three conferences: two in the office of the Secretary of War and one in the office of General Bryden, the Deputy Chief of Staff?

[4239] General GEROW. Yes, sir. The third one was merely over—the third conference was directed entirely at the question of the inclusion of the sentence with regard to subversive activities.

67. General RUSSELL. General, I want to be very positively definite about this, if we can get it in the record in a definite way. When you read your notes or your memorandum to the Chief of Staff, I received the rather definite impression that when you were sent for by the Secretary of War your directions were to prepare a memorandum or a notice of some sort to General MacArthur. Now, that was the impression which I got very definitely from your reading of those notes, and I am wondering if that is a correct impression.

General GEROW. According to this memorandum for the Chief of Staff that I prepared at that time, it is a correct impression.

68. General RUSSELL. Where in those notes that you are referring to now does any reference to sending that type of notice to other Department Commanders appear?

General GEROW. The only place that it might appear would be in the sentence,

The various messages to Army and Navy Commanders and to Mr. Sayre were discussed.

69. General RUSSELL. That does, then, refer to the first conference which you had in the office of the Secretary of War?

General GEROW. No, sir. The first conference that I had with the Secretary of War was in the morning at 9:30.

70. General RUSSELL. Yes, sir.

General GEROW. At which only the Secretary, General Bryden, and myself were present. At that time the Secretary [4240] gave me instructions with reference to the preparation of this message, and I left his office, consulted Admiral Stark, as was the custom between the two Departments, and then returned later with Secretary Knox and Admiral Stark and Mr. Stimson, and then this discussion that I have just referred to took place.

71. General RUSSELL. Then it was developed that others were to be notified similarly or to the same general effect?

General GEROW. I can't say that it was developed definitely. I can't remember that conversation in that detail, General, but it would be standing operating procedure for us to notify all these commanders of a warning notice of that kind, as we did habitually.

72. General RUSSELL. Well, I think we can clarify our thinking on this, General, if it is your impression that in the first conference where you were called in, and Bryden and the Secretary of War and you were talking, that the President and the Secretary of War wanted

MacArthur notified, and that was all, and then at the second conference, where the Navy had been called into the picture and further time for thought had been afforded, the other commanders were included in the discussions. Now, is that your recollection of what happened?

General GEROW. That is the—my notes show—my memorandum to the Chief of Staff bears out that idea, that the initial conference was directed primarily to the Philippines.

73. General RUSSELL. So it is your recollection that the thing the President and the Secretary of War looked on was to notify MacArthur to be on the alert because of what was about to happen?

General GEROW. Yes, sir; that is correct, but I don't [4241] feel that—strike that out.

That is correct.

I would like to scratch out that last part.

74. General GRUNERT. But you didn't feel at the time that they didn't want the others to be notified to be on the alert?

General GEROW. No, sir. I feel, in regard to that, that it was a responsibility of the War Plans Division to see that all these commanders were notified, without being specifically told to do so.

75. General GRUNERT. For instance, if there was an indication of trouble in the Far East, where there is no indication of it going to Hawaii or Panama or the West Coast, why, then they would naturally direct your attention to a message to go to MacArthur?

General GEROW. Yes, sir.

76. General GRUNERT. But then they left it to you to suggest amplification; is that the idea?

General GEROW. Yes, sir. That would be normal procedure on the part of War Plans Division.

77. General RUSSELL. General, I am not so much interested in speculations.

General GEROW. Yes, sir.

78. General RUSSELL. But I am attempting to fix the fact as to what the Secretary of War and the President wanted done; that's all.

General GEROW. Yes, sir.

79. General RUSSELL. And I think we have fixed that as your testimony, a request that MacArthur be notified.

General GEROW. Yes, sir.

[4242] 80. General RUSSELL. But nobody else was included in that request. Now, is that the statement?

General GEROW. That, General, as I say, is indicated from these notes. I can't remember the details of the conversation that morning, sir, but this was written shortly after the conference, in which I attempted to set down my reaction to what was said in the Secretary's office.

[4243] 81. General RUSSELL. A memorandum prepared concurrently with the developments would you think be a more reliable evidence than your memory?

General GEROW. Very much more so; yes,

82. General RUSSELL. All right. Now, let us talk about something else.

Was General Marshall in on any of the conferences on the 27th?

General GEROW. No, sir. I think he was out of town at the time.

83. General RUSSELL. Do you recall showing General Marshall, when you submitted to him this memorandum, the message which you had sent?

General GEROW. There was a copy attached.

84. General RUSSELL. What was the date of your memorandum?

General GEROW. I was just looking at that, General. There are two dates here. One shows November 27, 1941, which I think is the actual date of the memorandum. There is another date, November 28, 1941, which I think refers to the fact that this was noted by the Chief of Staff and initialed by him, on the 28th.

85. General RUSSELL. Then, you sent him a memorandum, which included a description of what had happened during his absence, and to that memorandum was attached a copy of this message of November 27?

General GEROW. That is correct, sir.

86. General RUSSELL. Then your records indicate that General Marshall actually knew of the message of November 27, the following day, November 28?

[4244] General GEROW. That is correct, sir.

87. General RUSSELL. General, did you and General Marshall have any discussion of the situation in the Far East, or of our relations with the Japanese empire, prior to the time that he went down into the maneuvers, or wherever he was gone on the 27th?

General GEROW. I have a notation in this memorandum for the Chief of Staff, one sentence, that reads as follows:

I then showed him—

referring to the Secretary of War.

a copy of the draft message you discussed at the Joint Board meeting.

“You” meaning the Chief of Staff.

Now, that is my only recollection of that draft message, is what is stated in this paper.

88. General RUSSELL. Now, are we to understand, General, that at the 9:30 conference on the 27th you showed to the Secretary of War and the Deputy Chief of Staff, Bryden—

General GEROW. Yes, sir.

89. General RUSSELL. —the draft of a message which General Marshall had shown, the joint—what is the term used, there?

General GEROW. A copy of the draft message.

90. General RUSSELL. —draft message, which he had—

General GEROW (interposing). —discussed at the Joint Board meeting.

91. General RUSSELL. —at the Joint Board meeting. Now, is it your intention to convey to the Board your recollection that when you went to the meeting that morning you had a message which General Marshall had discussed with the Joint Board?

[4245] General GEROW. This is a memorandum which I wrote at the time, states that I did have. General, I do not have a clear recollection, other than this memorandum, that I did have such a message.

92. General RUSSELL. In studying the evidence which you gave before the Roberts Commission—and please understand the purpose of referring to it—

General GEROW. Yes, sir.

93. General RUSSELL. We are merely giving you this, trying to work you into this background.

General GEROW. Yes, sir.

94. General RUSSELL. In the evidence which you gave before the Roberts Commission, you stated that, in the Secretary of War's office, a telephone conversation took place between the Secretary of War and the Secretary of State, and that, as a result of that conversation, certain language which was in the message was changed. Specifically, the language in the message was, that negotiations with the Japs had ended, and you inserted in lieu thereof this other language, which is the first sentence of the message of November 27, that you have before you.

Now, could it be, that the language in the message that you have described as General Marshall's having had before the Joint Board, was to the effect that the negotiations had ended, and that that was changed by virtue of the telephone conversation between the Secretary of War and the Secretary of State?

General GEROW. I remember very distinctly, General, that the expression that we had in the message, whether it [4246] was put in, that morning, in the Secretary's office, or not, I don't know, was too strong, in the opinion of the Secretary of State, when Mr. Stimson called him up, and he suggested a change; and I remember taking down in pencil the exact wording that the Secretary of State wanted included.

Now, I don't know, at that Joint Board meeting, how such a message was prepared. General Marshall may have stated to me, "Gerow, you get together with the Navy and prepare a message along this general line," as was customary at Joint Board action, at times.

95. General RUSSELL. And that may have been done before General Marshall left on the afternoon of the 26th, is that right?

General GEROW. Well, sir, he may have given me those directions, to prepare that message, and I might have prepared such a message and he never saw it, or I might have prepared it before he left and showed it to him.

96. General RUSSELL. You just do not remember?

General GEROW. No, sir; but I don't believe I prepared it and showed it to him. I believe that it was a message that I prepared on his general direction.

97. General RUSSELL. But, to come back to your memorandum of the 27th, apparently delivered to General Marshall on the 28th, we are traveling on safe ground when we conclude that General Marshall saw the message of the 27th, as finally sent, on the 28th?

General GEROW. I am positive that that is correct, sir.

98. General RUSSELL. Now, to go into the message of the 27th, for a moment, General, there is some language in there [4247] that the "Japanese action is unpredictable," and that "hostilities may begin at any time." Do you know who was the author of that language which follows the changed or first sentence?

General GEROW. Will you repeat that message, General? I am not—

99. General RUSSELL. All right. Let me get the message before me. We can be more definite. The first sentence is:

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibilities that the Japanese government might come back and offer to continue.

That is a sentence which was softened on instructions or on information furnished by the Secretary of State?

General GEROW. Yes, sir; furnished me by the Secretary of War after a telephone conversation with the Secretary of State.

100. General RUSSELL. Then, the next sentence is:

Japanese future action unpredictable but hostile action possible at any moment.

Do you know who was the author of that language? Do you know whether the Secretary of War suggested that language, or did you put that in?

General GEROW. I think that language was possibly put in by either Colonel Bundy or myself, sir.

101. General RUSSELL. The next sentence is to this effect:

If hostilities cannot, repeat cannot, be avoided, the United States desires that Japan commit the first overt act.

[4248] There has been some testimony about that. You testified about that, at the time of your appearance before the Roberts Commission?

General GEROW. Yes, sir.

102. General RUSSELL. And there is some evidence to the effect that this was carrying out an expressed desire of the President. Do you know anything about that?

General GEROW. It is hard for me to——

103. General RUSSELL. Maybe I can be of a little help, there.

(Thereupon, at 5:30 p. m., the Board recessed the hearing of witnesses, for the day.)

[4249]

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[4250] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

THURSDAY, SEPTEMBER 28, 1944

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 9 a. m., pursuant to recess on yesterday, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell, and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF MAJ. GEN. LEONARD T. GEROW, COMMANDING 5TH
CORPS, STATIONED AT LUXEMBOURG—Resumed

1. Colonel WEST. General Gerow, the witness is reminded that he is still under oath.

2. General RUSSELL. General, when we left yesterday I was asking you about that sentence in the message of November 27 which we refer to as the Chief of Staff's message, and that sentence was to the effect, or that sentence which we were discussing at that time was:

If hostilities cannot, repeat cannot, be avoided the U. S. desires that Japan commit the first overt act. [4251] I had asked you whether or not in your previous testimony you had stated that this sentence was inserted in the message upon an express desire of the President of the United States that such thought be expressed. Do you recall your answer to that question, or did you make an answer?

General GEROW. As I recall, I did not make a definite answer.

3. General RUSSELL. Have you, since the question was asked you on yesterday afternoon, made any investigation to determine whether or not your testimony before the Roberts Commission was to the effect that this sentence was inserted because of an express desire of the President of the United States?

General GEROW. I have referred to my testimony given before the Roberts Commission, and I should like to see that again and quote from that as to my statement with regard to the inclusion of the phrase in question.

(A transcript of testimony before the Roberts Commission was handed to the witness.)

4. General RUSSELL. Would you now quote from your testimony before the Roberts Commission as to your statement about the President's desire?

General GEROW. I quote from the records of the Roberts Commission. The Chairman of that Commission asked me the following question. This is quote:

Well, then did the Army, War Department, intend that he should sit on a peacetime basis until some attack developed against him?

My reply to that question was as follows, quote:

No, sir. We pointed out in the message the [4252] possible danger of attack and directed reconnaissance and other necessary measures without fully carrying into effect the provisions of this plan, which would have required hostile action against Japan, and the President had definitely stated that he wanted Japan to commit the first overt act.

5. General RUSSELL. General, following the sentence which I have just read, which sets forth the desire that Japan commit the first overt act, there is an additional sentence:

This policy should not, repeat should not, be construed as restricting you to a course of action that might jeopardize your defense.

Do you recall anything about who prompted the insertion of that sentence into this message?

General GEROW. I believe that message was inserted in War Plans Division by myself or Colonel Bundy.

6. General RUSSELL. The language that I have just read, which lifts the restriction of overt act insofar as it relates to jeopardizing the defense, was placed in there in order to insure freedom of action to the Commanding General of the Hawaiian Department; is that right?

General GEROW. Yes, sir.

7. General RUSSELL. Now, General, this entire discussion of "overt act" which is contained in these two sentences—it would be interesting to the Board to know just what sort of a situation or situations you visualized when you were inserting this matter of overt acts and as to who should commit the overt acts first.

General GEROW. I should say that in a situation in which [4253] vessels or aircraft of the Navy of Japan might violate the regulation governing the waters surrounding Oahu, that the Commanding General would be fully authorized to take such necessary action or such action as he might deem necessary to restrain or stop the vessels or aircraft of Japan.

8. General RUSSELL. In other words, if Japanese aircraft or vessels, surface or submarine, should approach Oahu, you felt that legitimate or reasonable construction of this message would have permitted the Commanding General of the Hawaiian Department to have destroyed them or attempted to destroy them?

General GEROW. Yes, sir.

9. General RUSSELL. Let us take a concrete example, General, in conclusion of our discussion of that. Let us assume that the Japanese task force which did strike on the morning of December 7 had been discovered in a critical area some six, seven, eight hundred miles off the coast of Oahu. You think then that the Commanding General would have been justified in using such defensive means as he had at that time in destroying that task force?

General GEROW. Under the circumstances, I would say yes.

10. General GRUNERT. That particular phrase about restricting you to a course of action that might jeopardize your defense:

This policy should not, repeat not, be construed as restricting you to a course of action that might jeopardize your own defense—

did that mean to you that he could take any action over there preparing himself and his command to carry out his mission under the defense plan?

General GEROW. I felt that he was fully authorized to [4254] take any action that he deemed necessary to insure the successful performance of his mission.

11. General GRUNERT. Even if that action taken might have alarmed the public or might have shown intent?

General GEROW. Yes, sir. If he thought that his mission was being jeopardized, he was authorized under those circumstances to take any action, regardless of any precautionary statements that may have been put in the message.

12. General GRUNERT. Then, that part of the message was intended to give him a free hand, as far as you knew, but the message seemed to caution him in doing this, if he can, the idea being: if he can do it without alarming the public, if he can do it without showing intent, it should be so done; but if he can't do it without that, he should do it anyway if it tended to jeopardize his defense; is that right?

General GEROW. Yes, sir, that is correct. He should do anything that was necessary to insure the successful execution of his mission.

13. General GRUNERT. Was there any discussion, in reading the message, as to its ambiguity or its being what we might say a "Do or don't" message: Do this but don't do so and so—one part of the message weakening the other?

General GEROW. I do not recall any such discussion. The whole idea back of that message was to definitely warn the Commanding Officer of the Hawaiian Department of the danger of an attack by Japan, with the idea that he would take such precaution as a Commander normally be expected to take to prevent surprise. It was expected that he should make such—in addition to the reconnaissance that was called for, it was [4255] expected that he should make such deployment of his forces as he felt were necessary to insure prompt action in case his reconnaissance discovered anything in the vicinity that might jeopardize the successful execution of his mission.

14. General RUSSELL. All right, General. Let us go back and consider these two sentences together for a moment:

If hostilities cannot be avoided, United States desires that Japan commit the first overt act.

That is an order, isn't it?

General GEROW. Yes, sir.

15. General RUSSELL. Then in the next sentence you say:

This policy should not be construed as restricting you to a course of action that might jeopardize your defense.

General GEROW. Yes, sir.

16. General RUSSELL. Now, the man in the field receives that message with those two sentences, one following the other.

General GEROW. Yes, sir.

17. General RUSSELL. Then a situation arises. He has instructions there which require some construction and might result in some little debate in his mind as to whether or not he could act freely; don't you think?

General GEROW. That is quite true, but the officers commanding our overseas departments were officers of long experience and of senior rank, and it was expected that an officer in such a situation would be confronted with decisions of that nature that he would have to make and that he would make them as he saw the situation at the time. He might construe the movement of a Japanese task force towards Hawaii as an overt act, and attack it, and another man might not so [4256] construe it; but that is a matter which is left to the discretion of an officer who is commanding a garrison or an area such as Hawaii.

18. General RUSSELL. General, if war was on the doorstep, as you people here in the War Department seem to have thought, that morning of November 27, why was it necessary to go into those details in this message at all?

General GEROW. Well, we felt that General Short ought to get, as far as we could give him, the complete picture as we saw it here.

19. General RUSSELL. Well, now, telling him to let Japan commit the first overt act if possible, but not to jeopardize his defense in order to do that, wasn't giving him one particle of information about the situation, was it? Those were purely directive things.

General GEROW. That is correct; they were directives.

20. General RUSSELL. Yes. I had intended to go back a little on what you actually told General Short. You start off by saying:

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibility that the Japanese Government might come back and offer to continue. Japanese future action unpredictable but hostile action possible at any moment.

Now, do you know of anything else in that message which told General Short about the relation between the American Government and the Japanese Empire?

General GEROW. No, sir, not in this particular message.

[4257] 21. General RUSSELL. That was the sole and the only information passed on to him about what the soldier calls "enemy information," wasn't it?

General GEROW. Yes, sir, in this particular message.

22. General RUSSELL. In that particular message. Isn't it true that the War Department hadn't sent General Short any message at all, prior to November 27th, since the message which I read to you yesterday, on October 20, 1941?

General GEROW. I cannot answer that question from memory. The records of the War Department will show, I believe, what messages were sent, either by the War Department or by the Navy Department for the information of the Army, during the period in question.

23. General RUSSELL. You prepared for the Roberts Commission a memorandum which showed the messages which had been sent by the War Department to General Short, didn't you?

General GEROW. Yes, sir, I did.

24. General RUSSELL. I am going to show you a document here and ask you if that is the document which you prepared for the Roberts Commission as to the information which you had sent General Short.

General GEROW. Yes, sir, this is a document I submitted to the Roberts Commission.

25. General RUSSELL. Could you refer to part of that document, General, and tell us whether or not any message had gone from the War Department to General Short in a period between October 20th and November 27th, 1941?

General GEROW. This document shows on October the 18th that a radiogram was sent by the War Department to the [4258] Commanding General of the Hawaiian Department, which reads as follows:

Following War Department estimate of Japanese situation for your information. Tension between the United States and Japan remains strained but no abrupt change in Japanese foreign policy appears imminent.

On November 24, 1941, a radiogram from the Chief of Naval operations to the Commander-in-Chief, Pacific Fleet, was sent, which read as follows:

(Radiogram dated November 24, 1941, from Chief of Naval Operations to Commander-in-Chief, Pacific Fleet, is as follows:)

There are very doubtful chances of a favorable outcome of negotiations with Japan. This situation, coupled with statements of Nippon Government and movements of their naval and military forces indicate in our opinion that a surprise aggressive movement in any direction including an attack on the Philippines or Guam is a possibility. The Chief of Staff has seen this dispatch and concurs and requests action addresses (GINCAF, CINCAP, COMS 11, 12, 13, 15) inform senior Army officers their respective areas. Utmost secrecy is necessary in order not to complicate an already tense situation or precipitate Jap action. Guam will be informed in a separate dispatch.

On November 26, 1941, there is an extract of a secret cablegram sent to the Commanding General of the Hawaiian Department, quote: [4259] (Extract of secret cablegram dated November 26, 1941, to Commanding General, Hawaiian Department, is as follows:)

It is desired following instructions be given pilots of two B-24's on special photo mission. Photograph Jaluit Island in the Caroline Group while simultaneously making visual reconnaissance. Information is desired as to location and number of guns, aircraft, airfields, barracks, camps, and naval vessels including submarines X X X before they depart Honolulu insure that both B-24's are fully supplied with ammunition for guns.

On November 27, 1941, a secret first-priority message was sent to the Commanding General of the Hawaiian Department, quote:

(Secret first-priority message dated November 27, 1941, to Commanding General, Hawaiian Department, is as follows:)

Negotiations with Japanese appear to be terminated to all practical purposes with only the barest possibilities that the Japanese Government might come back and offer to continue. Japanese future action unpredictable but hostile action possible at any moment. If hostilities can not, repeat can not, be avoided, the United States desires that Japan commit the first overt act. This policy should not, repeat not, be construed as restricting you to a course of action that might jeopardize your defense. Prior to hostile Japanese action, you are directed to undertake such reconnaissance and other measures as you deem [4260] necessary but these measures should be carried out so as not, repeat

not, to alarm the civil population or disclose intent. Report measures taken. Should hostilities occur, you will carry out the tasks assigned in Rainbow 5 as far as they pertain to Japan. Limit dissemination of this highly secret information to minimum essential officers.

Another message was sent out on November 27, 1941, a radiogram from G-2, the War Department, to G-2, the Hawaiian Department:

(Radiogram dated November 27, 1941, from G-2, War Department, to G-2, Hawaiian Department, is as follows:)

Advise only the Commanding Officer and the Chief of Staff that it appears that the conference with the Japanese has ended in an apparent deadlock. Acts of sabotage and espionage probable. Also possible that hostilities may begin.

Another radiogram, from G-2 of the War Department to all corps areas and overseas department commanders, was sent out on November 28, 1941.

26. General RUSSELL. Well, now let us come back to the date of the 27th which we are talking about, General.

General GEROW. Yes, sir.

27. General RUSSELL. Now, you have just read to me the messages which were sent to General Short between the 20th of October and the 27th of November, and those messages were read. A naval message was delivered to him on the 24th, and on the [4261] 26th a message was sent to him relative to arming certain bombers that were going to go into the west somewhat farther?

General GEROW. Yes, sir.

28. General RUSSELL. Now, therefore, the naval message and the bomber message were the only two messages that you know that went to General Short between the message of October 20th and the message of November 27th which we are discussing?

General GEROW. I refresh my memory from my report to the Roberts Commission. Since I arrived in Washington for this hearing I have asked the War Department to prepare for me a list of the alert messages which were sent to General Short. I should like to check this index.

29. General RUSSELL. Before making a positive statement?

General GEROW. Before a positive statement that those were the only messages sent.

30. General RUSSELL. Yes. Very well.

31. General FRANK. Are you going to let him do it now?

32. General RUSSELL. Have you the record there?

General GEROW. I have that here, sir, yes.

33. General RUSSELL. I didn't know that.

General GEROW. The dates to which you refer, General, were?

34. General RUSSELL. October 20th and November 27th, '41.

General GEROW. You do not desire to go back prior to October the 20th?

35. General RUSSELL. I have no desire. I was starting at that point.

[4262] General GEROW. Yes, sir.

36. General RUSSELL. However,—

General GEROW. No, sir.

37. General RUSSELL. —if you think there is something material before that time, the Board will be glad to have you give it.

General GEROW. There is another message, dated November 27, 1941, to CINCAF and CINCPAC, which reads as follows, quote:

(Message dated November 27, 1941, to CINCAF and CINCPAC, is as follows:)

This dispatch is to be considered a war warning. Negotiations with Japan looking toward stabilization of conditions in the Pacific have ceased, and an aggressive move by Japan is expected within the next few days. The number and equipment of Jap troops and the organization of naval task forces indicates an amphibious expedition against either the Philippines or the Kra Peninsula or possibly Borneo. Execute an appropriate defensive deployment preparatory to carrying out the task assigned in WPL 46X. Inform District and Army authorities. A similar warning is being sent by the War Department. Spanavo informed British. Continental district Guam Samoa directed to take appropriate measures against sabotage.

This message was sent by the Navy.

There is another message here which I believe is probably a paraphrase of the message that I have already read from this testimony before the Roberts Commission, but I should like to read it again for the purpose of the record.

[4263] 38. General RUSSELL. Go ahead.

General GEROW. Radiogram from G-2 of the War Department to G-2, the Hawaiian Department, on November 27, 1941:

(Radiogram dated November 27, 1941, from G-2, War Department, to G-2, Hawaiian Department, is as follows:)

No. 473 Secret. Japanese negotiations have come to a practical stalemate. Hostilities may ensue. Subversive activities may be expected. Inform Commanding General and Chief of Staff only.

Signed, "Miles."

Those are the only messages during that period of which I have any record.

39. General RUSSELL. It appears, therefore, safe to say, General, that after October 20, 1941, no War Department message was sent to the Commanding General of the Hawaiian Department until November 27, 1941?

General GEROW. I think that is correct, sir.

40. General GRUNERT. May I interject there: Is it not also true that, by an understanding between the War and Navy Departments, in order to avoid a possible breaking of the code, a message sent by one or the other was to be transmitted to the corresponding Commanders?

General GEROW. That is correct. There was a working agreement with the Navy whereby they would transmit information in their messages to our Commanders, Army Commanders.

41. General GRUNERT. Go ahead.

42. General RUSSELL. I want to go back now and connect up the enemy information which General Short had from the War [4264] Department, after which we shall deal with the enemy information which he had from the Navy Department.

General GEROW. Yes, sir.

43. General RUSSELL. And I am referring now to Japanese information.

When he made his decision of November 27, 1941—and we shall deal with the War Department first, and then with General GRUNERT's Navy messages later—this message of October 18th that you have listed here, which I referred to as October 20th:

Following War Department estimate of Japanese situation for your information. Tension between the United States and Japan remains strained but no abrupt change in Japanese foreign policy appears imminent.

Now, that was the information which the War Department gave General Short about the Japanese situation on October 18th or 20th, '41; that is true, isn't it?

General GEROW. Yes, sir.

44. General RUSSELL. Now may I call your attention to the fact that on the 16th of October the Navy had prophesied an outbreak of hostilities between Russia and Japan and had stated that since the Japanese Government considered that Britain and America were responsible for her present situation she probably would attack us. You remember that message?

General GEROW. Yes, sir.

[4265] 45. General RUSSELL. Now, was the effect of the message of October 20, while you disagreed with that situation, to put General Short on notice that the War Department was doing its own thinking about the Japanese situation, notwithstanding the fact that he was getting information from the Navy?

General GEROW. General, will you repeat your question?

46. General RUSSELL. Was the effect of your message of October 20, in which you disagreed with the estimate of the Navy, of October 16, which had been transferred to General Short, sufficient to put General Short on notice that the War Department was doing its independent thinking about the Japanese situation, irrespective of what the Navy was doing?

General GEROW. I can't state how General Short interpreted that message.

47. General RUSSELL. Would that have been a reasonable interpretation of those two messages?

General GEROW. General, I don't know. That's in the mind of the Commander, out there.

48. General RUSSELL. What is in your mind? You were handling the messages at that time.

General GEROW. I wouldn't have felt that the War Department was trying to tell me that it was doing its own thinking on the matter.

49. General RUSSELL. You would not, at all?

General GEROW. No, sir.

50. General RUSSELL. Now, that was for the message of October 20, in which it stated that there was no abrupt change in the Japanese policy anticipated.

General GEROW. Yes, sir.

[4266] 51. General RUSSELL. Now, the next time you said anything to General Short, from the War Department, was on the 27th of November, the critical message which we are considering, now, and you say:

Negotiations with Japan appear to be terminated to all practical purposes, with only the barest possibilities that the Japanese government might come back and offer to continue.

General GEROW. Yes, sir.

52. General RUSSELL. Now, let us look at that sentence for a minute. You are talking there entirely about information that is transpiring between the State Department of our Government and the ambassadors from Japan, are you not, in that sentence?

General GEROW. Yes, sir.

53. General RUSSELL. And you say that "to all practical purposes" that is broken off, "with the bare possibilities that the Japanese government might come back and offer to continue," do you not?

General GEROW. Yes, sir.

54. General RUSSELL. Let us assume now that the Japanese government did come back and offer to continue; wouldn't that, to all intents and purposes, eradicate the enemy information in that sentence, because the negotiations were being continued?

General GEROW. I don't quite understand your question, General.

[4267] 55. General RUSSELL. You tell General Short that the—

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibilities that the Japanese government might come back and offer to continue.

Now, I am just wondering what effect on his thinking the coming back of these Japanese people and continuing these negotiations would have.

General GEROW. Well, I think the message was quite definite. To all intents and purposes, the negotiations were terminated. There was just the barest possibility that Japan might.

56. General RUSSELL. Well, suppose that bare possibility came to pass and they did come back, then what would that mean?

General GEROW. The only thing I could construe that it would mean would be a continuation of the negotiations, General.

57. General RUSSELL. And their breaking down then had disappeared, and they were going on, isn't that true?

General GEROW. You mean that they didn't have any idea of any hostile intent because they resumed these discussions, is that the question, sir?

58. General RUSSELL. You are sending General Short a statement of fact upon which he must base action, and that statement of fact is that these negotiations have broken down, to all practical purposes, but there is a bare possibility that they will be resumed?

General GEROW. May I see the wording of that message, sir?

[4268] 59. General RUSSELL. It begins at the bottom line, right there, General.

General GEROW. If you notice, General, we say, in here, that "to all practical purposes" these negotiations have been terminated, there was "only the barest possibility that the Japanese might come back and offer to continue." I think the expression there is such as to give to the recipient of this message the idea that there was very little if any possibility that the situation would improve.

60. General RUSSELL. Now, you do not say that. You say:

There is very little possibility that the Japanese government might come back and offer to continue.

That is what you told him.

General GEROW. There is only the barest possibility—

the barest possibility that the Japanese government might come back and offer to continue—

and we follow that, sir, with the statement—

Japanese future action unpredictable but hostile action possible at any moment.

61. General RUSSELL. How do you construe that as helping anybody, when you say you do not know what the Japanese are going to do, but they may go to war? How does that give him any Japanese information? You tell him you don't know what they are going to do.

General GEROW. General, as I recall the wording of that sentence, in the original message—and this is entirely from memory—it was stated that the negotiations had been terminated, and in the discussion with the Secretary of War, on the morning [4269] of November 27, the Secretary of War talked over the telephone to the Secretary of State, and as a result of that conversation, the wording of that first sentence was changed. I believe the reason it was changed was because technically in the mind of Mr. Hull the negotiations had not actually been broken, and he, for the purposes of the record, did not want to say that definitely, that the negotiations had been terminated.

62. General GRUNERT. Subsequent to this message of November 27, did the War Department send General Short any message to the effect that negotiations had been resumed?

General GEROW. Not to my knowledge, sir.

63. General RUSSELL. Now, is it accurate to say that this first sentence of this message of November 27 of the Chief of Staff which we are now discussing—and I want to put the language in, in order that there may be no misunderstanding in the record:

Negotiations with Japan appear to be terminated to all practical purposes with only the barest possibilities that the Japanese government might come back and offer to continue.

—is it accurate to say that that language was put in that message upon the request, instruction, or direction of the Secretary of State?

General GEROW. They were inserted in there at the direction of the Secretary of War, in so far as I am concerned.

64. General RUSSELL. Then that was not your language, but the language of the Secretary of War?

General GEROW. That is my recollection, General.

[4270] 65. General RUSSELL. And that language replaced other language which you had placed in the message?

General GEROW. To the best of my belief, that is correct.

66. General RUSSELL. All right. Do you recall, now, what language you had in the message, which was replaced by the language that we are now discussing?

General GEROW. No, sir; I do not; and I have tried to find the draft of that message, and I believe that it was destroyed, in accordance with the policy of destroying secret documents that were no longer needed.

67. General RUSSELL. As suggested by Genral Frank, would you give us your best recollection as to what that language was?

General GEROW. The best of my recollection is, the sentence stated—

Negotiations with Japan have been terminated.

I can't swear to that. To the best of my knowledge and belief, that was substantially the wording of the first sentence.

68. General RUSSELL. Now, the next sentence, here, General, is

Japanese future action unpredictable but hostile action possible at any moment.

You think that is a War Plans Division sentence?

General GEROW. Yes, sir.

69. General RUSSELL. Uninfluenced and untrammelled by any outside agencies?

General GEROW. Yes, sir.

[4271] 70. General RUSSELL. Now we come to the next sentence:

If hostilities cannot be avoided, United States desires that Japan commit the first overt act.

We have had rather full testimony about the origin of that sentence.

General GEROW. Yes, sir.

71. General RUSSELL. The next sentence is:

This policy should not be construed as restricting you to a course of action that might jeopardize your defense.

And we have had testimony from you to the effect that you think that is a War Plans Division sentence?

General GEROW. Yes, sir.

72. General RUSSELL. We then in the message apparently break away from the hostility attitude and give Short instructions as to what he is to do immediately, because you say:

Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary.

—with qualifications or limitations or restrictions which we will discuss in a moment; but you say:

Prior to hostile Japanese action you are directed to undertake such reconnaissance and other measures as you deem necessary.

Now, what reconnaissance agencies were available to General Short when he received this message on the 27th of November, assuming that he did receive it on that date?

General GEROW. Well, I would say generally that he had at his disposal aircraft. He had an aircraft warning service [4272]. He had his stationary posts around the perimeter of the island, and on the various other islands.

73. General RUSSELL. Now, General, how many aircraft were available, and of what types, on the morning of the 26th, to General Short?

General GEROW. General, I cannot answer that question.

74. General RUSSELL. Did you know, on the morning of the 27th of November, how many he had?

General GEROW. That information was available to me; yes, sir.

75. General RUSSELL. Do you recall consulting to determine how many aircraft he had available for this reconnaissance?

General GEROW. I do not.

76. General RUSSELL. So, so far as you know, now, when you sent that message to him about reconnaissance, you did not know how many aircraft were available to him for that purpose?

General GEROW. No, sir; I knew at the time, how many. The information as to the number of aircraft available was available in the War Department and in the War Plans Division at that time.

77. General RUSSELL. And you knew it at that time?

General GEROW. I knew that that information was available; yes, sir.

78. General RUSSELL. I didn't ask that question. I asked you if it is your recollection that you knew how many he had that morning.

General GEROW. General, I cannot go back that far, from memory, and say that I looked up the list of aircraft in Oahu, at that time. It is possible that I did so; it is quite [4273] possible that I did not.

79. General RUSSELL. All right. Now, the radar situation. Did you know what it was on the morning of November 27, 1941?

General GEROW. I knew there was radar in Oahu.

80. General RUSSELL. Did you know how long he had had it, and whether or not it was a new agency for reconnaissance?

General GEROW. I cannot recall off-hand how long he did have it. He had it, General.

81. General RUSSELL. You knew at that time that radar was relatively a new development in the American Army, did you not?

General GEROW. Yes, sir.

82. General RUSSELL. And that it was probably in an experimental stage out on the Island of Oahu?

General GEROW. I would not say it was necessarily in the experimental stage, because, as I recall, we were installing them in Panama and they were being installed in Oahu, and, I imagine, at other places.

83. General RUSSELL. They were in the process of being installed on Oahu on the morning of November 27, 1941; you knew that?

General GEROW. I can't say from memory that that was the situation, sir.

84. General RUSSELL. So, from memory, now, you cannot testify as to what agencies you knew that General Short had for reconnaissance on the morning of November 27, 1941?

General GEROW. Not of my personal knowledge. The records of the War Plans Division probably showed it, and members of my staff probably knew exactly what he had in the way of reconnaissance.

[4274] 85. General RUSSELL. Now, you directed him to take such reconnaissance as he might deem necessary; is that what you stated?

General GEROW. May I see that?

You are directed to undertake such reconnaissance and other measures as you deem necessary.

86. General RUSSELL. Well, do you think "as you deem necessary" referred to reconnaissance and other measures, or could it have been construed in the message in that way?

General GEROW. The way it is worded, it could be construed either way, I believe, General.

87. General RUSSELL. Now, suppose that General Short instituted no reconnaissance other than what was being carried on by the Army or under his command prior to the receipt of this message that we are discussing; would you have regarded his failure to have extended his reconnaissance in the same way as a wilful disobedience of an Article?

General GEROW. If he had no reconnaissance, I should say that it was a failure to obey an order, not necessarily direct disobedience to the order.

88. General RUSSELL. Let us assume, General, that on the morning of November 27 and on the mornings thereafter he had such radar as was available to him, operating from 4 o'clock in the morning until 7:30, and that this condition continued and obtained on the

morning of December 7, 1941; then would you regard his failure to extend his reconnaissance as a disobedience of that article?

General GEROW. General, I think that is a matter that the commander on the ground has to decide, as to whether or [4275] not he has adequate reconnaissance to prevent surprise.

89. General GRUNERT. Was it not left to his judgment under that wording or that phrase, "as you deem necessary"? Was it not left to his judgment under the foregoing warning, as to what means he would use?

General GEROW. Yes, sir; except for one point: He was directed to make reconnaissance. Now, the extent of that reconnaissance was left to his judgment and discretion.

90. General GRUNERT. Does that message convey to you that the reconnaissance and other measures are necessary, or just that "other measures" are necessary?

General GEROW. The message definitely states that he was directed to make a reconnaissance, and then, in addition, such other measures as he deemed necessary, having in mind the readiness of his troops and his other facilities to act promptly on the results of that reconnaissance.

91. General GRUNERT. Then the intent of the message was, that he was ordered to make reconnaissance and to take such other measures as he might deem necessary, but he was ordered to make the reconnaissance, and the phrase "as you deem necessary" is not considered to apply to reconnaissance?

General GEROW. Well, it may apply. He was directed to make reconnaissance and such other measures as he deemed necessary, but he was directed specifically to make the reconnaissance.

92. General GRUNERT. Was he not also directed to take such other measures?

General GEROW. Yes, sir; he was directed to take such other measures as he deemed necessary.

[4276] 93. General GRUNERT. There seems to be a sort of question on the interpretation of that phrase, "as you deem necessary"; that is, whether or not it applies to the reconnaissance, or just to the other measures.

General GEROW. I think it could be interpreted to apply either way, General.

94. General FRANK. Is it not a question of the punctuation in the message?

95. General GRUNERT. There is no punctuation in the message, is there?

96. General RUSSELL. No, sir; not the one we have. I haven't got the original one before me.

97. General GRUNERT. Another question, right there: If you interpret the words "as you deem necessary" to apply both to the reconnaissance and "other measures," why was it necessary to tell him to do such things as he thought necessary? Is that a fair question?

General GEROW. That is the whole point. We emphasized specifically reconnaissance. Then, in our mind was, that in order to take advantage of that reconnaissance, what that reconnaissance might develop, other measures were necessary, at the time.

98. General GRUNERT. All right. Go ahead.

99. General RUSSELL. Then you add this:

But these measures should be carried out so as not, repeat not, to alarm the civil population or disclose intent.

General GEROW. Well, it meant that we might precipitate this action. No one was certain that war was going to occur [4277] on December 7, and we wanted as much time as we could get to prepare for it. We did not want to alarm the civil population of Oahu, particularly, because of the fact that information would be immediately transmitted to Japan, and we were taking precautions to meet something that might precipitate the very thing we wanted to avoid.

100. General RUSSELL. Taken together, the sentence of this message that if possible Japan should commit the first overt act, and "not to alarm the civil population," "not to disclose intent," was not the plain effect of that language to direct General Short to tread softly and be very cautious in what he did out there?

General GEROW. General, it is impossible for me to interpret the thought of General Short.

101. General RUSSELL. I am not asking for General Short's thought. I am asking for your thought.

General GEROW. No, sir. Of course, I am in the position of having helped write the message. I knew what I had in the back of my mind, so I know how I would have looked at the message when I received it at the other end. My thought would have been, "Here is a threat of war. The War Department wants me to be on the alert with my reconnaissance and be prepared to take advantage of what that reconnaissance might develop. They are not certain as to when war is going to occur, or certain that it is actually going to occur; so they do not want to disturb the civil population. They do not want to put into effect war measures. They do not want me to go out and deliberately attack Japan, but they do want me to prepare myself to meet any action by the armed forces of Japan."

[4278] Now, as I say, that is not a fair interpretation to make of the message, because I wrote it, or helped to write it.

102. General RUSSELL. You are now telling the Board what you had in mind and attempted to express in the message?

General GEROW. Yes, sir.

103. General RUSSELL. All right. Now, we have here the language: Report measures taken.

Why was that put in there?

General GEROW. As I recall, and I think, as I testified before the Roberts Commission, we had had some difficulty in getting prompt information as to the receipt of messages to our overseas garrisons. We wanted to be sure that this important message reached its destination. The second reason for the inclusion of that sentence was that we wanted to know what the current dispositions of the troops were in our overseas garrisons. We wanted to have that information available not only for Hawaii but for all the other overseas possessions.

104. General RUSSELL. You had a responsibility in connection with the defense of Hawaii, which, though somewhat different, was yet just as definite as was General Short's; that is true?

General GEROW. Yes.

105. General RUSSELL. And it was necessary, therefore, for him to send you the information as to what dispositions he was making and what he was doing, in order that you might intelligently fulfill your obligation in connection with the defense of the Hawaiian Department; is that true?

General GEROW. I made some notes on that, sir—if I may.

[4279] 106. General RUSSELL. Would you answer the question that I have just asked, because I think it is important.

General GEROW. As you know, full latitude was and is given now to commanding generals of overseas garrisons in working out their detailed plans for the execution of joint Army-Navy war plans and Army strategical plans based on the joint plans. And the policy of the War Department was that the local defense plans would be sent to the War Department for information, but that they would not be formally approved by the War Department, and not even commented upon, unless it appeared they were not in accord with the basic Army plan as to concept, mission, and means assigned. The theory was that the commanding generals were senior officers of long experience, and that they were fully capable of working out, on the ground, detailed plans necessary to implement the broad directives of the War Department. The same basic thought was back of the message of November 27, when we included that phrase, "report measures taken." We wanted the CG of the Hawaiian Department and the Army garrisons to know that there was a threat of hostile action by the armed forces of Japan; that he should utilize his reconnaissance means, and take such action promptly, that he should institute such other measures as he deemed necessary for the prompt implementing of all his plans, in the event reconnaissance detected the approach of Japanese military forces. Just how he would perform those tasks was left to his discretion as a responsible officer on the ground.

107. General RUSSELL. Would you please read the question again that I asked the General.

(The question referred to was read.)

[4280] General GEROW. It is not true.

108. General RUSSELL. Why, then, wouldn't the language, "please acknowledge receipt," have served just as well?

General GEROW. Because that would not have given us the current disposition of his forces.

109. General RUSSELL. Why did you want to know the current disposition of his forces?

General GEROW. Because the War Department might have to order other dispositions under certain circumstances, and we desired to know where his troops were, whether they had been on the alert for a considerable period of time, or whether they had been on normal garrison duty.

110. General RUSSELL. And you did not ask him, General, for the history of what his troops had been doing? You asked him to tell you the measures taken?

General GEROW. "Report measures taken."

111. General RUSSELL. That is right. As a result of this message of November 27? Now, do you want this answer which you have just read into the record to stand, in the light of your attention being called to the actual language of your message of the 27th?

(The record, beginning with "General Gerow. It is not true," and ending with the words "had been on normal garrison duty," was read.)

General GEROW. May I strike that out, and change that?

112. General RUSSELL. Yes.

General GEROW. And make the reply, "As a matter of information." Strike out the preceding answer to that last question, why we wanted to know it, and substitute as the answer the words, "As a matter of information."

[4281] 113. General RUSSELL. That is the total answer that you want to make, now?

General GEROW. Yes, sir.

114. General RUSSELL. That the "report measures taken" was placed in there, and you expected to use the reply purely as a matter of information?

General GEROW. Yes, sir.

115. General RUSSELL. Now, let us talk a moment about this basic thought which was back of this language.

You used this language:

The policy of the War Department was that the local defense plans would be sent to the War Department for information, but that they would not be formally approved by the War Department, and not even commented upon, unless it appeared they were not in accord with the basic Army plan as to concept, mission, and means assigned.

I interpret that basic thought now as meaning that when you had a report from a department commander, you did not approve it, and you did not comment upon it, unless it was "not in accord with the basic Army plan as to concept, mission, and means assigned." In other words, I interpret that as meaning, if the plans sent to you from the departments were not in accord with your thinking about what they should be, then you would comment upon them; is that right?

General GEROW. If they were not in accord with the specific subjects that I mention there, the concept and the mission.

116. General RUSSELL. Let us supply that basic idea now to the message that might have come back from General Short in response [4282] to your message of November 27, 1941. Now, suppose that the message which he sent back in reply to that directive to "report measures taken" was not in accordance with your thinking, as to what measures should have been taken; then would you have commented upon it?

General GEROW. Yes, sir.

117. General RUSSELL. If you had not agreed with them, you would have commented upon them and disagreed with them; that is right, isn't it, General?

General GEROW. I might not have agreed with certain of the details of what the commander was doing, but I certainly would have tried to—even if I had not agreed on those details, I would not have told him to take other dispositions.

118. General RUSSELL. Do you mean to say that if he had sent you back a report which in your opinion violated all of the demands and requirements of the situation, that you would not have done anything about it?

General GEROW. No, sir, General; I do not make that reply.

119. General RUSSELL. Well, what do you say?

General GEROW. Well, I say this, that if he complied with the general plans of the War Department, the basic directives of the War Department as to the action which he should take, that he "did not violate," I think this paper says—that he did not violate the concept of the War Department plan, the mission, and the means assigned—if he kept within those limitations, we would have not criticized his plan; because, if he kept within those, within the scope of the concept and the mission, he could not have been far wrong.

[4283] 120. General GRUNERT. But as to the degree to which he was in that scope and concept, if that required 100% of action and he only did 10% of action, that would not have been living up to the concept of the plan, would it?

General GEROW. No, sir; he would not have lived up to the concept of the plan.

121. General RUSSELL. Before we go away from this, General, I am trying to follow your line of thinking, and I must admit that I am having a little difficulty; but let me ask this question, and it might clear up the situation. You are now testifying that the report that General Short might have made to you on measures taken would not have created any comment by the War Department if those measures had come within the basic concepts of the great big plans that we have been talking about?

General GEROW. The plans that we have been talking about, General, provided for just these sorts of contingencies. In other words, in, I think, the coastal frontier plan, it said—I think I made a note on that, if I may quote from it.

122. General RUSSELL. Yes; do that. I am trying to connect it.

General GEROW. The Joint Coastal Frontier Defense Plan especially provided that when the CG, Hawaiian Department, and the naval base defense officer, agreed that the threat of a hostile raid or attack was sufficiently imminent to warrant action, each commander would take such preliminary steps as might be necessary to make available to the other commander certain air forces for operations in accordance with the predetermined plan. A threat of hostile attack was clearly [4284] stated in the War Plans message on November 27, and there was no reason for members of the War Plans Division to believe that the CG of the Hawaiian Department did not recognize that threat as imminent, and that he would not take action in accordance with the Joint Coastal Frontier Defense Plan of the Hawaiian Department and the Fourteenth Naval District.

123. General RUSSELL. Precisely! You expected him then to operate within these plans?

General GEROW. Yes, sir; with these restrictions that we put in that message.

124. General RUSSELL. And if he did not operate within those plans, and if the measures which he reported indicated that he did not operate in accordance with those plans, then of course he was violating the basic concept?

General GEROW. That's correct, sir.

125. General RUSSELL. Would you point out, here, where you read from last?

General GEROW. You mean the last?

126. General RUSSELL. Yes, sir.

This extract from which you have read indicates that under this Joint Coastal Frontier Defense Plan, when a hostile air raid or attack was sufficiently imminent, there would be a combination of air forces by the Army and the Navy, out there?

General GEROW. There would be. There was a working agreement that the Army would give the Navy—the Navy would use some of the Army planes, perhaps, and the Army would use certain of the Navy planes; I have forgotten just the particular distribution.

127. General RUSSELL. And you further drew the conclusion that [4285] a threat of hostile attack was clearly stated, in the War Department's message of November 27—

"and there was no reason for members of the War Plans Division to believe that the CG of the Hawaiian Department did not recognize that threat as imminent, and that he would not take action in accordance with" this plan.

That is the remainder of the quotation that you referred to?

General GEROW. Yes, sir.

128. General RUSSELL. Now, your message goes further.

General GEROW. I would like to make one statement before we leave this general subject.

129. General RUSSELL. All right. Put on the record whatever the General has to say.

General GEROW. In order to clarify what I mean by these statements that I have just made, I would like to give an example of what I have in mind. As a Corps Commander, very recently I was given an order for advance and attack. That order consisted of two lines on a map giving the boundaries of my Corps. It showed a goose-egg, a circle, probably 30 miles away, as a marked objective. That is the only order that I got, except as to the time of an attack. Now, the Army Commander did not expect me to prepare a detailed plan, and get his approval. I prepared the plan that I wanted to put into operation. It was sent to Army headquarters. The Army Commander probably read that plan over. Maybe he would modify it in some details if he had been making the plan, but the plan never came back to me, approved or disapproved; and I did not expect it to come back to me.

[4286] I feel that here is a similar situation, that the Commander has been given all the War Department feels is necessary to tell him, the assignment of a job to defend Oahu, or the missions that he has under that plan; that the War Department is in no position, particularly the head of the War Plans Division, to sit down and criticize or comment on the details of the commander's plan—the plan of the commander who is actually on the ground.

Now, I hope I have made myself clear by that example.

130. General RUSSELL. Let me ask you a question about that example. Suppose, when your plan went back, you were going to attack the "goose-egg" in the opposite direction, and that the commanding general had seen it, and detected it?

General GEROW. Well, I couldn't very well attack it in the opposite direction, General, without going outside the limits of my corps zone, sir.

131. General RUSSELL. Now, this message goes further, here, and it says:

Should hostilities occur you will carry out tasks assigned in Rainbow Five as far as they pertain to Japan.

General GEROW. Yes, sir.

132. General RUSSELL. This Rainbow Five placed into operation all of these plans that we are talking about, did it not?

General GEROW. Yes, sir.

133. General RUSSELL. Now, as a matter of fact, General Short reported what action he took out there, did he not, on the same day that he got this message, on the 27th?

General GEROW. Yes; I think it came on the 28th; I am not sure, sir.

[4287] 134. General RUSSELL. You are familiar with that message?

General GEROW. Yes, sir.

135. General RUSSELL. You saw that message?

General GEROW. Yes, sir—initialed it.

136. General RUSSELL. You initialed it?

General GEROW. Yes, sir.

137. General RUSSELL. You made no comment on it?

General GEROW. No, sir.

138. General RUSSELL. You did not disapprove it in any way?

General GEROW. No, sir.

139. General RUSSELL. You sent it to the Chief of Staff?

General GEROW. I won't say that I sent it to the Chief of Staff. It may have gone to the Chief of Staff prior to coming to me, sir. I do not remember the exact routing of the messages.

140. General RUSSELL. The Secretary of War saw it?

General GEROW. I would have to check the records, sir, to say whether or not he did.

141. General RUSSELL. I assume that if his initials were on the message, it would indicate that he saw it?

General GEROW. Yes, sir.

142. General RUSSELL. When it came back to you, or when you first saw it, did you analyze it to see what General Short had done?

General GEROW. Sir, may I refer to my notes again? because the same question was asked me by the Roberts Committee, and I expected it to be asked at this one.

I read and initialed General Short's reply to the War Plans Division's message of November 27. It did not occur to me that [4288] it was an answer to the War Plans Division's warning message of November 27th, but was rather a reply to the sabotage message sent out by the Assistant Chief of Staff, G-2, on the evening of November 27th. This mental reaction was perhaps due to the fact that the sabotage message was discussed at some length the evening of the 27th. Further, General Short's message made no reference to action with regard to reconnaissance and other defense measures directed in the War Plans Division's message of November 27, but was confined solely to sabotage, a subject which was not mentioned in the War Plans Division's message. The reference in General Short's message to radio 472 of the 27th meant nothing to me at the time, since the number in question was put on the message by the War Department Message Center and was not the number used by War Plans Division to identify the document. War Department records will show that there was a tremendous amount of important, pre-war business being handled by War Plans Division during the months preceding December 7. It was a physical impossibility for me to check personally each message received and identify it with other corre-

spondence on the subject. This task was decentralized to the several sections of the Division.

The message in question would normally be handled by the Plans Group. If further action was required with respect to it, the Chief of that group would normally draft a proposed solution and present it to me for approval. To the best of my knowledge and belief, no action was taken on the message received from General Short. The Chief of the Plans group is now deceased, and I have no way of knowing what his mental reactions were. If he realized the message was a reply to the [4289] War Plans Division's message of November 27, it would be perfectly reasonable for him to assume from the statement contained in General Short's message, namely, "Liaison with Navy," that General Short was working out reconnaissance and other defensive measures in coordination with the Navy. This would be normal procedure under the basic plan, which provided for close integration of the Army-Navy effort, both for reconnaissance and combat.

Further, the Joint Coastal Frontier Defense Plan especially provided that when the CG, Hawaiian Department, and the Naval Base Defense Officer agreed that the threat of a hostile raid or attack was sufficiently imminent to warrant action, each commander would take such preliminary steps as might be necessary to make available to the other commander certain Air Forces for operations in accordance with a predetermined plan. A threat of hostile attack was clearly stated in the War Plans Division's message of November 27, and there was no reason for the members of War Plans Division to believe that the Commanding General of the Hawaiian Department did not recognize that threat as imminent, and that he would not take action in accordance with the Joint Coastal Frontier Defense Plan, Hawaiian Department and the Fourteenth Naval District. Even if I had realized General Short's message was a reply to the War Plans Division's message of November 27, I would very probably have interpreted it as I imagine the Chief of the Plans group did.

143. General GRUNERT. May I ask a question, there?

General GEROW. Yes, sir.

144. General GRUNERT. Similar messages were sent to the Philippines, Panama, and the West Coast; is that correct?

[4290] General GEROW. Yes, sir.

145. General GRUNERT. And they reported the action taken, more or less at length, but in more detail—what I might call greater security measures. Did you see those reports when they came in?

General GEROW. I probably did. I probably initialed them, as was my custom, sir.

146. General GRUNERT. Then it did not occur to you at that time to compare what was done in Hawaii with what was done in Panama, the Philippines, or elsewhere, and thus to consider that insufficient action had been taken in Hawaii?

General GEROW. I did not compare them, General. As I say, there was a great deal of important business, and I assumed that when the orders were issued and the information furnished to General Short, that he had taken the necessary action to comply.

147. General RUSSELL. No other message, however, General, came in from General Short, except this one?

General GEROW. None that I know of, sir.

148. General RUSSELL. Therefore, if you came to the conclusion that that message was in reply to the G-2 message relating to sabotage, which went out on the 27th, it comes to pass that you did know, or you must have concluded, that General Short had not replied to the other message which we are discussing?

General GEROW. The thought that he had not replied never occurred to me between the interval of November 27 and December 7. As I say, there were many other important problems coming up at the time, and I expected my staff to follow through.

I believe the reason it was not followed through was because the Chief of the plans group assumed, as I probably [4291] would assume, had I connected the two messages, that "liaison with the Navy" meant that General Short was working with the Navy, that it would take some time to make these readjustments and put the actual plans into operation, that he had taken action immediately against sabotage. I could see no other reason for the inclusion of the phrase "liaison with the Navy."

149. General RUSSELL. Doesn't it come to pass, therefore, General, that you were making very dangerous assumptions, on small facts, about a tremendously important matter?

General GEROW. General, I did not make any assumption. I did not connect the two messages, when this short message of General Short came. I didn't connect that with the War Plans Division message of November. In that, I was in error, and I should perhaps have checked the number, or someone should have checked it for me and identified the two messages and connected them.

150. General RUSSELL. But you have just testified, General, that if you had connected it, you would have assumed that the language in General Short's report, "liaison with Navy," would have meant that he was doing all of these other things; to which answer, I have asked the question that I have just asked, about a dangerous assumption on a small factual basis, on a tremendously important matter.

General GEROW. Well, I said, I think I might have assumed that. General, I do not know, since I did not connect the two messages. I merely put that out because Colonel Bundy is not here, and that that assumption was one that he might well have made.

151. General RUSSELL. Well, one final question, and then we [4292] will go away from this message, which I am searching you on quite thoroughly, because the Board is considering it very seriously, and it plays an important part in this history.

General GEROW. It does; yes, sir.

152. General RUSSELL. The last sentence in the message is to this effect, or is in this language:

Limit dissemination of this highly secret information to minimum essential officers.

Again I come back to the question which I have asked on several previous occasions: If war was upon us, and those people were probably going to be attacked, out there, and if, as you say, your message indicated to General Short that he probably would be attacked, was it not necessary for the people, down to the lowest echelons, who were going to withstand that attack, to know that it was coming?

General GEROW. May I read the exact wording of that, sir? The sentence reads:

Limit dissemination of this highly secret information to minimum essential officers.

That, again, is a matter for the Commanding General of the Hawaiian Department to decide on.

153. General RUSSELL. He would pick out the essential officers and the "minimum essential officers"?

General GEROW. Absolutely, sir. The platoon commander would not have to know the information that General Short had. All he would have to know was, "You go out to this particular position, in these particular trenches, and you be ready to meet anything that might happen; this is an alert." That is all he needed to know. He did not need to know the state of [4293] the conditions with Japan, and that we did not want to disturb the civil population, that we wanted Japan to commit the first overt act. He didn't need to know all those things.

154. General RUSSELL. He did not need to know that war was about to break?

General GEROW. I don't think that platoon commander—he might have been told that the relations with Japan were strained, but not the full contents of the message.

155. General RUSSELL. There was a lieutenant, General, in the information center, who received a message that a great or a relatively large flight of planes had been detected, 130 miles off the coast of Oahu, at a definite point, and he passed it up. Suppose that lieutenant had been told that hostilities might break out any moment, and had been on the alert, don't you think that that would have helped the situation tremendously?

General GEROW. General, I do not know what that lieutenant was told. I do not know what instructions were given to him.

156. General RUSSELL. Do you not think that would have been a violation of the last sentence of this order, the spirit of it, at least, if General Short had passed that message down to that lieutenant in that information center?

General GEROW. No, sir; not if General Short felt it was necessary for that officer to know it, for the security of his mission.

(Brief recess.)

[4294] 157. General RUSSELL. All right. General Gerow, you have just shown me the memorandum from which you read on yesterday afternoon, which you identified as a memorandum to the Chief of Staff dated November 27, 1941, and a note which was on the bottom of the memorandum to the effect that the minutes of the Joint Board meeting of November 27 do not show that either a proposed warning message to anyone or the Marshall-Stark memorandum to the President was discussed. For the purposes of the record I will ask you to identify the paper which I am just handing you, and state whether or not it is the paper just described.

General GEROW. It is the paper, sir, just described.

158. General RUSSELL. May we have that and introduce it into the evidence here as a part of the records of this Board?

General GEROW. May I suggest, General, that I had this copy made personally for reference, that the original of this document is on file

in the War Department, and I should like to suggest that the original be furnished to the Board in lieu of the copy, which is not even certified as a true copy.

159. General GRUNERT. Why not have the witness read the thing into the record as a part of his testimony?

160. General RUSSELL. Do you object to reading that into the record as a part of your testimony?

General GEROW. I have no objection at all, sir. I read parts of it.

161. General RUSSELL. Yesterday?

General GEROW. Yesterday, sir.

162. General GRUNERT. All right. Read it into the record in its entirety, together with the footnote.

[4295] General GEROW. This note that is on here was put on here merely to refresh my memory and as a result of the search that was made of the Joint Board records to find out if there was any reference in those records to this message that I referred to in the official memorandum from me to the Chief of Staff. The note is not a part of the original record in the War Department.

163. General GRUNERT. All right. Then read it, but omit the note.

General GEROW. I read the paper in question:

WPD 4544-13. Dated November 27, 1941. This paper shows that on November 28, 1941, it was noted and initialed by the Chief of Staff and was noted and initialed by the Deputy Chief of Staff.

(Memorandum for the Chief of Staff, dated November 27, 1941, in re Far Eastern Situation, is as follows:)

Memorandum for the Chief of Staff:

Subject: Far Eastern Situation.

1. The Secretary of War sent for me about 9:30 a. m., November 27, 1941. General Bryden was present. The Secretary wanted to know what warning messages have been sent to General MacArthur and what were proposed. I gave him a copy of the Joint Army and Navy message sent November 24. I then showed him a copy of the draft message you discussed at the Joint Board meeting. He told me he had telephoned both Mr. Hull and the President this morning. Mr. Hull stated the conversations had been terminated with the barest possibility of resumption. The President wanted a warning message sent to the Philippines. I told him I would consult Admiral Stark and prepare an appropriate cablegram.

2. Later in the morning, I attended a conference with the Secretary of War, Secretary of Navy, and Admiral Stark. The various messages to the Army and Navy Commanders and to Mr. Sayre were discussed. A joint message for General MacArthur and Admiral Hart was approved (copy attached). The Secretaries were informed of the proposed memorandum you and Admiral Stark directed to be prepared for the President. The Secretary of War wanted to be sure that the memorandum would not be construed as a recommendation to the President that he request Japan to reopen the conversations. He was reassured on that point. It was agreed that the memorandum would be shown to both Secretaries before dispatch.

3. Both the message and the memorandum were shown to the Secretary of War. He suggested some minor changes in the memorandum. These were made (copy attached).

Signed, "L. T. Gerow."

Typed, "L. T. Gerow, Brigadier General, Acting Assistant Chief of Staff."

In the lower left-hand corner:

2 Inclosures: Memorandum for the President 11-27-41

Memorandum for TAG, 11-27-41.

164. General RUSSELL. Where would the record to which you [4297] have referred as being on file in the War Department be, General GEROW?

General GEROW. I believe that it would probably be found in the Chief of Staff's office. They changed the organization of the War Department since I left, and it might now be in the hands of the Adjutant General.

165. General RUSSELL. In this memorandum that you have just read to us you refer to a message to the President, and I believe you refer to it again as a joint memorandum. Do you have any independent recollection of what that was?

General GEROW. No, sir; I couldn't testify definitely which memorandum it was. In the Joint Board we wrote a number of these memoranda, and I couldn't possibly identify that memorandum. It is no doubt of record with these other papers.

166. General RUSSELL. Now, this vital question about the message in a general way, General: If I recall your testimony yesterday afternoon correctly, there were three conferences held about this message of November 27 that went out to General Short and to the other Commanders. No. 1 was 9:30 in the morning, in the Secretary of War's office, and then later in the day you were back in the same office with other people. Then, as I recall, late in the afternoon there was a conference with General Bryden, the Deputy Chief of Staff, in which these messages, including the one to General Short and the Hawaiian Department, were finally approved; is that correct?

General GEROW. Yes, sir.

167. General RUSSELL. Now, thinking through on this last conference and not hastening an answer at all, do you remember [4298] who was at that conference, the late afternoon conference?

General GEROW. To the best of my recollection and belief, it was General Bryden, General Miles, Colonel Bundy, and myself. There may have been others, but I do not recall them.

168. General RUSSELL. You don't recall, for example, that the Secretary of War or any of his representatives were there?

General GEROW. I can state positively that the Secretary of War was not there.

169. General RUSSELL. It was purely a military meeting of military men?

General GEROW. Yes, sir.

170. General RUSSELL. And at that meeting the messages that went out to the Commanding Generals of the Departments, including the one to General Short, were given final approval?

General GEROW. As I recall, only the one to General Short was discussed at that meeting, and that was brought up for discussion only because of the fact there was a sentence in there that referred to taking action to prevent subversive activities. That discussion was purely and simply directed towards a discussion of that one aspect of the message, and not the contents of the message in general.

171. General RUSSELL. What I am attempting to clear up is that after these messages were worked out by the War Plans Division they were submitted to military people and approved by military people, without influence from outside agencies or civilians, and sent out as military messages. Is that true or not?

General GEROW. That is correct, yes, sir.

172. General RUSSELL. I think that is all I have on this phase. [4299] 173. General GRUNERT. Except insofar as the construction of that message is concerned.

174. General RUSSELL. Well, I think this question is appropriate, and I had intended to go back to it: That message to General Short; we will confine ourselves to that now. There were these sentences appearing in that message, which had been influenced by the other people who were not at the conference to which you have already testified?

General GEROW. That is correct, sir.

175. General FRANK. The first two sentences were put in there at the instance of the Secretary of War himself?

General GEROW. Let's see what the second sentence is (examining message). The wording of the first sentence was the wording suggested by the Secretary of War after a telephone conversation with the Secretary of State. The second sentence was put in there as a result of information that I received from some source which I can't accurately identify at the moment, possibly either the Chief of Staff or the Secretary of War.

176. General FRANK. I think the record indicates that the Secretary of War stated, if he himself was responsible for the first two sentences,—

General GEROW. Yes.

117. General FRANK. —that he wanted to be sure that that information went to General Short.

General GEROW. There is one other statement I would like to make there. With reference to the other message I recall—and this is purely as a matter of memory—there was no reference in the Philippine message, which I think was the one that was [4300] really actually approved by the Secretary of War, to any subversive activities or sabotage. I don't think there was any reference in there, in that particular message; and how it got into the message that was to go to General Short, I cannot testify definitely, but it was later, as you know, removed following a conference on the afternoon of the 27th.

178. General GRUNERT. I have two questions I want to get in.

General, do you know whether or not the Commanding General, Hawaiian Department, after he made his report of measures taken, communicated with the War Department as to whether or not the War Department deemed the measures taken sufficient or wanted any other measures taken?

General GEROW. Insofar as I can recall, there was no message to that effect received from General Short.

179. General GRUNERT. Do you, as A. C. of S., War Plans Division, representing the War Department, consider that you supplied the Commanding General of the Hawaiian Department with adequate warning from which he could or should have taken adequate measures for defense?

General GEROW. I consider that the War Department had given General Short adequate warning of the possible hostile act by Japan.

180. General GRUNERT. All right. I have no other questions.

181. General FRANK. Had you been in General Short's position and had sent a reply such as he sent to the War Department, do you think

that you would have followed it up with another message to the War Department asking, Was my message of such and such a date O. K.?

General GEROW. General, again I can't place myself in [4301] General Short's position. I don't know what I would have done under the circumstances.

182. General FRANK. Well, General Grunert just asked a question if General Short sent such a message, and you said he didn't.

General GEROW. Yes, sir.

183. General FRANK. Was there any necessity for his sending such a message?

184. General GRUNERT. I asked for a statement of fact. You are asking for an opinion.

185. General FRANK. I know.

186. General GRUNERT. If the witness desires to answer, well and good. If he does not, it is up to him.

187. General FRANK. But he already has stated that the information or the instructions given to General Short, he considered, as a matter of opinion, were satisfactory for him to take action.

188. General GRUNERT. The witness may answer as he sees fit, or not answer as he sees fit.

General GEROW. I cannot interpret what I would have done under the similar circumstances.

189. General FRANK. All right.

190. General RUSSELL. General, there have been suggestions made by members of the Board about the two naval messages reaching General Short between October 20th and November 27th. Briefly we shall refer to those, the first being that of November 24th. It has been read. The enemy information, the Japanese information, in it is this:

There are very doubtful chances of a favorable [4302] outcome of negotiations with Japan. This situation, coupled with statements of Nippon Government and movements of their naval and military forces indicate in our opinion that a surprise aggressive movement in any direction including an attack on the Philippines or Guam is a possibility.

Now, that enemy information went to General Short on the 24th of November. Contemporaneously with the sending of the message that we have discussed as the Chief of Staff's message of November 27th, the Navy sent another message out which we assume was shown to General Short:

Consider this dispatch a war warning. The negotiations with Japan in an effort to stabilize conditions in the Pacific have ended. Japan is expected to make an aggressive move within the next few days. An amphibious expedition against either the Philippines, Thai, or Kra Peninsula or possibly Borneo is indicated by the number and equipment of Japanese troops and the organization of their naval task forces.

And the instructions follow.

Now, those two messages contain information about Japan which was shown to General Short. The first one says they may move in any direction, and then adds this: "including an attack on the Philippines or Guam."

The second one says Japan is expected to go on the aggressive within a few days, and then: an amphibious expedition against either the Philippines, Thai, or Kra Peninsula, Borneo, is indicated.

[4303] Now, assuming those messages were shown to General Short, is it not true that all of the information relating to the Japanese armed forces, their movements and probabilities, indicated overwhelmingly action in the Far Pacific rather than in Hawaii?

General GEROW. Well, it indicated, I think, perhaps a major effort out in that direction; but, since the message stated that this is a war warning and that they may move in any direction, I think it was reasonable to assume that you might expect simultaneous action in other places, the scale of which might differ from the one of which we had considerable information, moving down from Indo-China.

191. General RUSSELL. How do you account for the fact, when you were called in first by the Secretary of War and he discussed with you his message from the President, that only MacArthur was considered?

General GEROW. My personal opinion, without any facts to substantiate that view, is that the Philippines were the farthestmost outpost. It was the most vulnerable point that we had. Its defenses were at a lower state, I believe, than—I know—than were those in Hawaii. So the concern was naturally directed towards your outpost position as a place that might be—certainly would be hit.

192. General RUSSELL. Was it true that the Philippine Islands were more nearly in the path of this proposed southern advance of the Japanese forces?

General GEROW. I think that is quite true, sir.

193. General RUSSELL. Now, we have a copy of messages that were sent out—and we can handle this very briefly—relating [4304] to a very tense situation which developed in the Pacific in 1940. You were at that time not on duty in the War Plans Division, as I recall?

General GEROW. What date was that, sir?

194. General RUSSELL. That message was sent on June 17, 1940, and briefly I am comparing it with your message or with the message of November 27, '41:

Immediately alert—

I am reading now from the message of June 17, 1940.

General GEROW. Yes.

195. General RUSSELL. (Reading:)

(Alert via radiogram, June 17, 1940, War Department to C. G., Hawaiian Department, is as follows:)

Immediately alert complete defensive organization to deal with trans-Pacific raid to greatest extent possible without creating public hysteria or projecting undue curiosity of newspapers or alien agents. Suggest maneuver basis. Maintain alert until further orders. Instructions for secret communication direct with Chief of Staff will be furnished you shortly. Acknowledge.

That was sent out on June 7, 1940, and the alert there was directed to deal with the trans-Pacific raid.

Now, when we come on into 1941, which is almost 18 months later, we send to the Commanding General of the same Department that message of November 27th. We send the message which we have been discussing this morning, which does not, apparently contain the definite instructions as the earlier message of June 17, 1940.

[4305] Now, the question is this: Had there come about in the War Department thinking, between June '40 and November '41, a

feeling that there was less likelihood of an attack on Pearl Harbor and Army installations by carrier-borne aircraft?

General GEROW. We always recognize the possibility of such an attack on Hawaii. I think my general feeling was that the Philippines would be attacked first, perhaps.

196. General RUSSELL. But you do not recall any thinking which might account for the difference in the instructions to the Hawaiian Department in June '40 and those in November '41?

General GEROW. No, sir.

197. General RUSSELL. Now, I have also been impressed with the fact that that alert of June 17, 1940, was followed up from day to day by messages back and forth as to what was going on.

General GEROW. Yes, sir.

198. General RUSSELL. The record, so far as I have been able to discover the facts contained in it here, indicates that nothing transpired between General Short and the War Department from November 27 until the attack on December 7 except these messages that went out on the 27th and 28th and General Short's reply thereto.

General GEROW. Yes, sir.

199. General RUSSELL. Apparently there was a period in there when there were no contacts at all between the two departments, and I was wondering if you could account for that fact.

General GEROW. Well, I think the thought was at that time, [4306] in view of the message that the Army had sent out and the Navy had sent out, that the Commanders had been sufficiently warned as to what to expect.

200. General RUSSELL. Were there any new developments that had been transmitted to General Short, or did you feel called upon to check on him to see what he was doing out there?

General GEROW. There were no new developments until that message came in on December 7th which we received at that time.

201. General RUSSELL. Well, I am going to jump over now to that message and see what you know about that.

General GEROW. Yes, sir.

202. General RUSSELL. When did you first know about that message of December 7, 1941?

General GEROW. When I went to the Chief of Staff's office, I should say somewhere around about eleven-thirty, on the morning of December 7th.

203. General RUSSELL. Was it in the Chief of Staff's office then?

General GEROW. As I recall, he had that message on his desk at the time.

204. General RUSSELL. Do you know when that message first reached any agency of the War Department?

General GEROW. No, sir. I have no first-hand knowledge of that, sir.

205. General RUSSELL. Do you know how we might obtain the information as to when it first reached some agency of the War Department?

[4307] General GEROW. The Assistant Chief of Staff, G-2, would have that information, if anyone has it.

206. General RUSSELL. You don't know from whom the information in the message came, do you, or who delivered the message to the War Department?

General GEROW. I don't quite understand your question.

207. General RUSSELL. Well, to make it plain, did the Navy send it over there? Do you recall?

General GEROW. No, sir, I wouldn't know. The first I knew of the message was when I saw it in—

208. General RUSSELL. And that was about eleven-thirty on Sunday morning?

General GEROW. Somewhere around between eleven and eleven-thirty.

209. General RUSSELL. Had any message based on this information been prepared for delivery to the Hawaiian Department?

General GEROW. I believe that when I went to the Chief of Staff's office he had prepared a message in his own handwriting which he read aloud to those of us who were present.

210. General RUSSELL. And you think that the Chief of Staff's message had been prepared and was ready to go when you got there, when you reached his office?

General GEROW. That is my impression, sir; and I have a copy of a memorandum I made for record here on December the 15th, as to my recollection of what happened in the Chief of Staff's office that morning, sir.

211. General RUSSELL. Have you the record with you?

General GEROW. Yes, sir. I should like to read it into [4308] the record.

212. General RUSSELL. Yes. We should be glad to have it.

General GEROW. I quote from a memorandum for record prepared by me on December 15, 1941:

(Excerpt from memorandum dated December 15, 1941, by General Gerow, and paraphrase, are as follows):

On Sunday, December 7, 1941, about 11:30 a. m., Eastern Standard Time, General Marshall called me to his office. General Miles and Colonel Bratton were present. General Marshall referred to the fact that the Japanese Ambassador had been directed to deliver a note to the State Department at 1 p. m., December 7, 1941. He felt that the Japanese Government instructions—

I feel that I might be discussing matters of ultrasecrecy in parts of this message, and I would like to consult the War Department as to whether or not I should put this out.

213. Colonel TOULMIN. You might let the record show you are now paraphrasing.

General GEROW. Yes. Cut out the last thing, "He felt that the Japanese Government"—

I am now paraphrasing:

The Chief of Staff felt that the delivery of the note at an exact hour and time might have great significance. The penciled draft of an alert message to be sent at once to the Commanding General, U. S. Army Forces in the Far East, Commanding General of the Caribbean Defense Command, the Commanding General of the Hawaiian Department, and the Commanding General 4th Army, [4309] were read aloud by General Marshall and concurred in by all present. Colonel Bratton was directed to take the penciled draft of the message to the message center and have it sent immediately by the most expeditious means. Colonel Bratton returned in a few minutes and informed General Marshall that the message had been turned over to the message center and would reach destinations in about thirty minutes. The penciled draft was typed later during the day and formally made of record.

214. General FRANK. The sending of that message was a transaction directly between General Marshall and Colonel Bratton?

General GEROW. As I recall, yes, and as my notes show.

215. General GRUNERT. Do you know what the most expeditious means were at the time?

General GEROW. No, sir. That was a matter that would be handled by the Signal Corps and the message center.

216. General GRUNERT. Had you as head of the W. P. D. ever used the oceanic telephone to Hawaii?

General GEROW. I had not used it to Hawaii. I had used it on one occasion to the Philippines.

217. General FRANK. Had it been satisfactory?

General GEROW. Yes, sir.

218. General FRANK. This was a red hot message, wasn't it?

General GEROW. Yes, sir.

219. General FRANK. Do you know whether that was encoded or not?

General GEROW. No, sir; I know none of the details of [4310] the handling of the message in the message center.

220. General GRUNERT. Evidently the Chief of Staff considered that an additional warning was necessary to the various Commanders despite the warning of November 27th, then?

General GEROW. Yes, sir. He felt there was some significance as to this time, and he wanted to warn them to be especially on the alert at that particular time.

221. General GRUNERT. Who was Colonel Bratton? What was his official position?

General GEROW. He was on duty in the office of the Assistant Chief of Staff, G-2.

222. General GRUNERT. Then he might have knowledge of the origin or the source of that information that the Chief of Staff had?

General GEROW. I think he would have knowledge of it, yes, sir.

223. General GRUNERT. I have one question, to see whether or not you have any recollection of ever having received from the Hawaiian Department an S. O. P. of November 5th which described in part the various alerts so-called: No. 1, which is sabotage; No. 2, which was defense against an air attack plus sabotage; and No. 3, which was an all-out alert. Do you recall, in your War Plans Division, of having had that information furnished you from Hawaii?

General GEROW. I don't recall ever having seen it myself. Copies of it may have been furnished the War Plans Division. That I cannot state without checking the records.

224. Colonel TOULMIN. General, I call your attention to your copy of the memorandum to the Chief of Staff under date of [4311] November 27, '41, which you addressed to the Chief of Staff, in which this sentence is contained:

The Secretaries were informed of the proposed memorandum you and Admiral Stark directed to be prepared for the President.

Do you have any recollection of that memorandum independently of this document?

General GEROW. No personal recollection of the details of it.

225. Colonel TOULMIN. Did you see it at that time?

General GEROW. I presume that I did.

226. Colonel TOULMIN. I would like to show you what may be that memorandum which was contained in this record. I am showing you the record, pages 9 to 12 inclusive, and I will ask you to read this

communication, which purports to be a joint memorandum of General Marshall and Admiral Stark under date of November 27, and ask you, after reading it, if you can state whether you recall that that was the memorandum referred to in your memorandum to the Chief of Staff under date of November 27, 1941.

It starts here, General (indicating).

General GEROW. I believe that that is the same memorandum.

227. Colonel TOULMIN. The memorandum referred to in paragraph 2 of your memorandum to the Chief of Staff under date of November 27, 1941, was apparently again referred to in your later note that you have indorsed on the foot of your memorandum, indicating some investigation that you have made; is that correct?

[4312] General GEROW. That is correct.

228. Colonel TOULMIN. And you could find no record of that memorandum having been presented, so far as the minutes are concerned of the joint board, on the date of November 27th?

General GEROW. A search was made of the records for me.

229. Colonel TOULMIN. Yes?

General GEROW. And that is the note.

230. Colonel TOULMIN. As far as you know, that there was no record of it?

General GEROW. As far as I know, there was no record.

231. Colonel TOULMIN. Do you know, either from this memorandum in my hand here, just referred to, or from your independent recollection, when the Marshall-Stark memorandum was actually sent forward to the Secretaries or its contents communicated to them by phone or otherwise? That is, the Secretary of War and the Secretary of State.

General GEROW. From my own personal knowledge I cannot answer that question. This memorandum indicates that I took this memorandum, I believe, up to the Secretary.

232. Colonel TOULMIN. That is not quite clear, General. I shall again ask you the question.

General GEROW. Yes.

233. Colonel TOULMIN. It is very vital to have that cleared up.

General GEROW. Paragraph 3 of this memorandum states that:

Both the message and the memorandum were shown to the Secretary of War. He suggested some minor [4313] changes in the memorandum. These were made (copy attached).

234. Colonel TOULMIN. Now, it refers there to "the Secretaries." To whom did that refer?

General GEROW. That refers to Secretary—that last statement I just read, it only referred to the Secretary of War. In the paragraph 2 it refers to the Secretary of War and the Secretary of the Navy, Mr. Knox, who was present on the morning of November 27th.

235. Colonel TOULMIN. At this meeting?

General GEROW. At the meeting in the Secretary of War's office.

236. Colonel TOULMIN. Of which this memorandum in your hand was a confirmation, in a sense? Or report?

General GEROW. Yes. This memorandum reports on the first conference that I had with the Secretary of War alone, and the second conference that I had later in the morning, which was attended by

Secretary Knox, Secretary Stimson, and Admiral Stark and myself, and I think possibly Colonel Bundy.

237. Colonel TOULMIN. All right. Now, one more question on this phase: At the end of paragraph 2 in this memorandum to the Chief of Staff under date of November 27, 1941, signed by you, occurs this sentence:

It was agreed that the memorandum would be shown to both Secretaries before dispatch.

The word "Secretaries" refers to Secretary Knox and Secretary Stimson; is that correct?

General GEROW. That is correct.

238. Colonel TOULMIN. Now, will you tell me whether or not, [4314] to your knowledge, directly or indirectly—so that it is reasonably certain—whether that joint memorandum was delivered to Secretary of State Hull either verbally or in writing, and, if so, at what date?

General GEROW. You are referring now to Secretary——?

239. Colonel TOULMIN. Of State.

General GEROW. Hull?

240. Colonel TOULMIN. Hull.

General GEROW. Not Secretary of the Navy, Knox?

241. Colonel TOULMIN. No. Secretary of State, Hull.

General GEROW. I cannot recall whether or not it was delivered to the Secretary of State.

242. Colonel TOULMIN. Was it intended to be delivered?

General GEROW. I think the memorandum was addressed to the President.

243. Colonel TOULMIN. Well, was it delivered to the President?

General GEROW. I cannot testify definitely as to that.

244. Colonel TOULMIN. You don't know. Your understanding is that it was, I take it?

General GEROW. Well, I don't know whether it was delivered to the President or whether it was taken over to the State Department and discussed with Mr. Hull and some changes or amendments made in it. I couldn't state on that.

245. Colonel TOULMIN. Well, when did you last see it, then, General? On that date of November 27, I suppose.

General GEROW. I cannot testify definitely as to that. There were a number of these memorandums prepared at various times, and I cannot say positively now when any particular one [4315] was delivered and how, by what means it was handled.

246. Colonel TOULMIN. Would its transmission, according to War Department practice, be recorded some place, as to the date when it went over, and the hour, and so forth, being transmitted to the President?

General GEROW. I believe that it would be duly recorded.

247. Colonel TOULMIN. Where would it be? Where would you find that record?

General GEROW. It might have been recorded in the Secretary of State's office, it might have been recorded in the Chief of Staff's office, it might have been recorded in War Plans Division, and it might have been recorded by the Secretary of the General Staff.

248. General GRUNERT. And each one of these echelons kept files, did they?

General GEROW. Yes, sir. They had some files, of some few papers.

249. General GRUNERT. And the Adjutant General's records are not complete on all these subjects, then, are they?

General GEROW. No, sir, not as far as War Plans are concerned and the matters being handled by the Joint Board.

250. Colonel TOULMIN. Had your meeting on November 27, the details of which you have related here, been advised, so far as the statements were made in the meeting to you, by the Secretary of State that the Japanese had received a paper of some ten points and that they had rejected it on the 26th, the date on which they had received the ten points?

General GEROW. Colonel, I can't recall.

[4316] 251. Colonel TOULMIN. You don't recall it?

General GEROW. That from memory, no, sir.

252. Colonel TOULMIN. That is all. Thank you.

253. General RUSSELL. I want to ask two or three questions on this joint statement.

Do you recall having prepared that joint statement or having participated in its preparation?

General GEROW. I believe that I participated with the Navy in the preparation of it. Either I did or Colonel Bundy, my Plan Group Chief. As to those things, the procedure was, in those cases, that one, either the Army or the Navy is responsible for preparing an initial paper. Then it would be passed back and forth, and corrections were made between the War Plans Division of the Army and the War Plans Division of the Navy until finally one draft was evolved that both War Plans agreed on, and then it was presented to the respective Chiefs of Staff or the respective Secretaries for approval.

254. General RUSSELL. But as head of the War Plans Division, when this joint agreement was prepared, you should have been familiar with the contents of it.

General GEROW. I was, I imagine, thoroughly familiar at that time with the contents.

255. General RUSSELL. Let me read the gist of that to you:

After consultation with each other, United States, British, and Dutch military authorities in the Far East agreed that joint military counter action against Japan should be undertaken only in case Japan attacks or directly threatens the territory or mandated territory [4317] of the United States, the British Commonwealth, or the Netherlands East Indies, or should the Japanese move forces into Thailand west of 100 east or south of 10 north, Portuguese Timor, New Caledonia, or the Loyalty Islands.

Now, that states that the British and the Dutch and the United States military authorities in the Far East had gotten together and reached an agreement that they wouldn't take joint military counter action against Japan unless she did these things. If she had done one of those things, then of course joint military action would have been taken by the British, Dutch, and Americans out there; is that true?

General GEROW. I think joint action would have been taken only after a final approval of such action by the Commander-in-Chief.

256. General RUSSELL. Well, it said they had gotten together and agreed.

General GEROW. Yes, sir. Well, there were a number of agreements had between the War Department and the representatives of the other nations.

257. General RUSSELL. Who represented the United States in that agreement?

General GEROW. I cannot answer that question, sir.

258. General RUSSELL. Do you know whether any agreements were in writing between these people here?

General GEROW. No, sir, I do not know without referring to the records there.

259. General RUSSELL. I think that is all.

260. General FRANK. I think you stated that this sentence in [4318] here, "United States desires Japan commit the first overt act"—you know, do you, that that was the desire of the President?

General GEROW. I so testified before the Roberts Commission. That information I presume came to me through the Chief of Staff or the Secretary of War. I cannot answer that positively.

261. General FRANK. You are conversant with the Joint Army-Navy pamphlet?

General GEROW. Joint Action of the Army and Navy?

262. General FRANK. Yes.

General GEROW. Yes, sir.

263. General FRANK. You know also that they had a joint coastal defense plan in Honolulu?

General GEROW. Yes.

264. General FRANK. The Joint Army-Navy Action, provision is made there that in case of war or action creating a critical situation the two Commanders on the scene can get together and come to a decision with respect to one or the other assuming supreme command. You are familiar with that?

General GEROW. I would like to check that provision of the Joint Action of the Army and Navy.

265. General FRANK. The last sentence on the page (indicating).

General GEROW. I am.

266. General FRANK. Do you think the situation in Honolulu on December 7 called for such action?

General GEROW. Not necessarily so.

267. General FRANK. Had the two Commanders come to that decision, to whom would that one man have reported in Washington?

General GEROW. Had he been a Navy officer, he would [3419] have reported to the Navy Department. Had he been an Army officer, he would have reported to the War Department, I believe.

268. General FRANK. Do you think that would have been satisfactory to the Department to whom he did not report?

General GEROW. I can't answer that question. I know of no other method by which he could exercise such command.

269. General FRANK. Do you think that would have been satisfactory?

General GEROW. That would be a matter that I——

270. General FRANK. As Chief of War Plans Division?

General GEROW. Well, that is a theoretical question that I'd prefer not to answer.

271. General FRANK. But it is a situation that did actually exist. That is the point.

General GEROW. I don't quite understand your statement there.

272. General FRANK. Immediately after the attack one man was put in charge and reported in here to Washington, and the Joint Chiefs of Staff situation was created to take care of it; that is correct, isn't it?

General GEROW. Well, sir, I think the Joint Chiefs of Staff situation was created to take care of many other situations.

273. General FRANK. Yes.

General GEROW. Not specifically this case.

274. General FRANK. But it automatically took care of this situation too.

[4320] You have no comment on it; that is all right.

Were you familiar with the action that the Secretary of State took on November 26 terminating negotiations? -

[4321] General GEROW. I am not.

275. General FRANK. In this message, it states:

You are directed to undertake such reconnaissance and other measures as you deem necessary.

That left it to the discretion of the Department Commander, did it not?

General GEROW. I think it could be interpreted either way, either as a directive that he would undertake reconnaissance, or not, as he interpreted the message.

276. General FRANK. Also:

These measures should be carried out so as not to alarm the civil population or disclose intent.

That was a restriction, to a certain degree, do you believe?

General GEROW. Yes, it was bound to have had some restrictive effect.

277. General GRUNERT. Let us go back a minute to that former question I asked. As it now occurs to me, there is only one interpretation you could take:

You are directed to undertake such reconnaissance and other measures as you deem necessary.

With that word "such" in there, I can see no way of interpreting it, except "as you deem necessary." Without that word "such," it might be different, but there is no complete directive there. He is not to take reconnaissance, except such as he deems necessary. That word "such" attaches it to "as you deem necessary." I cannot see any other interpretation of it; can you?

General GEROW. What I am wondering is whether, in the paraphrasing of this message, the various copies, how did [4322] the one read that General Short actually received? Now, we have here, certainly, in the files, the original message as written. We probably have—you probably have—the Board probably has the paraphrased one that was sent. You probably also have a copy of the message as it was received by General Short.

278. General FRANK. I think this is the wording in your message.

General GEROW. Which he received?

279. General FRANK. Yes.

General GEROW. Or the one that was sent?

280. General FRANK. Which he received.

281. General GRUNERT. Go ahead. We will go back into that when we check up the record.

282. General FRANK. Were you familiar with the agreement that the Army and Navy had with respect to reconnaissance in the Hawaiian Department?

General GEROW. I probably was at that time familiar with it, because it was known. The record of that was undoubtedly in the War Plans Division.

283. General FRANK. This is the official record from the Adjutant General's files, and this sentence in the original message states:

You are directed to undertake such reconnaissance and other measures as you deem necessary, but these measures should be carried out so as not comma repeat not comma to alarm civil population or disclose intent.

"Such" is in the original record; and the copy of the message that we have, as it was received in Hawaii, reads the same way.

284. General GRUNERT. All right. Go ahead.

[4323] 285. General FRANK. To refresh your memory on it, there was an agreement that the Navy would be responsible for distant reconnaissance, the Army would be responsible for the operation of the fighters over the island; and does that "ring a bell" in your memory?

General GEROW. I couldn't state that that was in the provisions, because they were all different for all the different overseas possessions, and I cannot rely on my memory to say that was the agreement. It is undoubtedly of record.

286. General FRANK. What I am leading to is this: In addition to radar reconnaissance, it was possible, too, to conduct air reconnaissance, since this message directs such reconnaissance as is deemed necessary. The plan, over there, called for the Navy to do that. Before sending that message, did you contact the Navy, here, relative to that?

General GEROW. Secretary Knox and Admiral Stark were present at the discussion of this message.

287. General FRANK. Do you think that they would have been familiar with this agreement, by which the Army turned its planes over to the Navy for distant reconnaissance?

General GEROW. Probably Admiral Stark was familiar with that, because, if you remember, that was quite a live subject, at that time.

288. General FRANK. The point I am making is this: Here is a message directing reconnaissance by the Army, which, we will assume, included air reconnaissance; but the Navy was charged with conducting the air reconnaissance, with Army airplanes, and it would appear that there would need to be some coordination, there, in order for the Navy to do what was [4324] being agreed upon between the Army and Navy heads, here in Washington; and, to date, we have found no message which told the Navy to conduct any reconnaissance.

General GEROW. As far as I can recall, there was no prior arrangement with the Navy, with regard to this, conducting reconnaissance.

289. General FRANK. Now, you have made a point of the phrase, "concept, mission, and means assigned" to the Commanding General of the Hawaiian Department, and that, provided his action coincided with those three items, you would not interfere with his decision; is that correct?

General GEROW. That is correct.

290. General FRANK. Did you know what his conception of the situation was?

General GEROW. I am referring, in his concept, to the concept that is stated in the basic plans that are put out in the joint Army-Navy plans and the Army basic strategical plan. The concept, as I recall, was so stated in those plans.

291. General FRANK. Did that plan become effective prior to the first act of hostility?

General GEROW. I should like to refer to the plan. The plan, itself, stated when it would become effective. Whether it was a threat of war, or whether war was imminent, or whether war had actually occurred, I can't state.

292. General FRANK. The last sentence in this message of November 27 states:

Should hostilities occur you will carry out the tasks assigned in Rainbow Five as far as they pertain to Japan.

[4325] General GEROW. The purpose of that was to tell him in advance that he had full authority to act under Rainbow Five without any further messages from the War Department, in case hostilities occurred.

293. General FRANK. Yes; but there were certain preparations that had to be made in order for that plan to be effective at the moment of hostilities?

General GEROW. That was why the War Plans Division's message stated that he would undertake reconnaissance "and such other measures" as he deemed necessary.

294. General FRANK. Pursuing this same discussion, we come to "means assigned." We have testimony before the Board to indicate that they were handling their radar equipment carefully, not overloading it or running it at excessively long periods, because they were so short of spare parts, that they could not keep the instruments operating all the time without their breaking down, and that they had to "cannibalize" some, in order to keep others going; therefore, the "means assigned" for the operations of the radar were limited. Were you familiar with the fact that the "means assigned" for radar reconnaissance were limited?

General GEROW. The members of my division that handled the particular Hawaiian project were familiar with it. I can't state that I personally had it brought to my attention. We were short many things, in all of our overseas possessions.

295. General FRANK. And you were conversant then with the fact that he did not have the facilities for continuous operation of all his radar, because of lack of spare parts?

General GEROW. I don't recall that subject ever having [4326] come up to me, personally. It wouldn't of necessity have had to. The staff of War Plans Division would have done all they could to correct any deficiencies that the Commanding General might have indicated.

296. General FRANK. This situation, between November 27 and December 7, was a very sensitive one from an international point of view, is that correct?

General GEROW. That is correct,

297. General FRANK. It had to be handled very carefully, is that correct?

General GEROW. That is correct.

298. General FRANK. Otherwise, the restrictions placed in this message of November 27 would not have been there?

General GEROW. That is correct.

299. General FRANK. We have a record of a long series of conferences, extending from October 6 through to December 2nd and 7th, about this whole situation; and a long series of telephone messages between the War Department and the Navy Department, and between the War Department and the State Department; and yet there was no additional information sent to the Commanding General of the Hawaiian Department after the circumscribing message of November 27, was there?

General GEROW. No, I do not believe there was.

300. General FRANK. Also, in a series of six messages starting with the Navy message of the 16th of October, the Navy message of the 24th of November; Navy, of the 27th of November; Army, of the 27th; another one of the Army, of the 27th; and the Army, of the 28th. Of those six messages, four told the commanders to be careful, and not to offend the Japs; three of [4327] those messages told them to look out for sabotage. It was the desire in Washington to put off the start of war as long as possible. As a result of this complex situation, it had to be handled at least naively, don't you think?

General GEROW. I do not know, General, just what you mean by that.

301. General FRANK. Well, it had to be handled very carefully?

General GEROW. Very carefully; yes, sir.

302. General FRANK. And you have already stated that you expected the man on the spot, General Short, to do the thing which would take care of the situation?

General GEROW. That's correct.

303. General FRANK. Now, General Short was considered a reasonable, normal, stable, intelligent officer, was he not?

General GEROW. Yes, sir.

304. General FRANK. In certain of these messages, he was told to show the information only to his Chief of Staff, to confine it to himself and his chief of staff?

305. General GRUNERT. In how many messages? One?

306. General FRANK. One message.

307. General GRUNERT. All right.

308. General FRANK. And, in another, to the minimum number of essential officers. So the amount of advice that he could get on these messages and on this situation was limited by instructions from the War Department?

General GEROW. You mean these instructions that——

309. General FRANK. Instructions that restricted him to showing this information to a limited number of officers.

General GEROW. I do not feel that that restricted him in [4328] the information that he could get.

310. General FRANK. Where was he to get the information?

General GEROW. It said "the minimum essential number of officers." The "minimum essential number" was within his discretion. If he

wanted to ask an assistant G-2 something, he was not prohibited by the War Department from doing so. If he wanted to ask a regimental commander, or his coast defense commander, he could still get that man and give him the picture—these people—and ask them any questions that he might want to ask.

311. General FRANK. Why was any restriction put on him, at all, if he had all these qualifications?

General GEROW. We were discussing the possibility of war at that time—all these papers show that—the possibility of war with Japan. Now, if that information were generally disseminated at large to the Army it might have caused comment in the press, or it might have caused action on the part of some officers, that would have precipitated the war, as I see it.

312. General FRANK. There already was comment in the press. Subordinate officers in Honolulu were getting their information on the war situation from the press; and, as a result of talking to officers in the Hawaiian Department, officers like General Murray, General D. S. Wilson, General Burgin, they were getting information from the newspapers, and no information through official channels.

General GEROW. But the information was available to General Short, if he felt that those officers should have it. Haven't we got the same situation here, today? Haven't we got the newspaper articles that discuss things that are highly [4329] secret, given to the American people, when those matters would really be of benefit to the American people if they were officially published? We have the same situation.

313. General FRANK. But the commanders who are fighting the war have the necessary critical information to help them plan their operations, do they not?

General GEROW. That is right.

314. General FRANK. And that information is not given to the public?

General GEROW. That is right.

315. General FRANK. And yet, here was a lot of information that the newspapers were giving out, and General Short was not getting anything, from November 27 to December 7; do you see?

General GEROW. Well, was there any information available at that time that would have been helpful to General Short in carrying out his mission?

316. General FRANK. Do you not think that Mr. Hull's action on November 26, and the critical nature of it, would have been of vital importance to General Short?

General GEROW. Well, I feel that the War Department message of November 27, which was drafted following that decision of Mr. Hull's, pointed out very strongly the possibility of war with Japan.

317. General FRANK. Now, that is opinion, is it not?

General GEROW. That's correct.

318. General FRANK. That's opinion?

General GEROW. Right.

319. General FRANK. Now, you ask the same question of General Short, and he gives you another opinion; and yet you just told [4330] me that he is considered a reasonable, normal, stable, intelligent officer?

General GEROW. That's why I made the statement, General, that I can't place myself in the position of General Short, because I was on this end of the picture and he was on the other end.

320. General FRANK. Another point about this thing: The Japanese got the information about the Hull decision of November 26, did they not?

General GEROW. I don't know, sir.

321. General FRANK. Well, he gave it to the Japanese representative here in Washington.

322. General GRUNERT. May I interject, there, that the line of reasoning, and the questions asked and conclusions expressed in those questions are the individual ones of the Member of the Board asking the questions. The Board has not reached any conclusion on any of these matters, and the record should so show. Go ahead.

323. General FRANK. That is very true. I am trying to get an expression of opinion from the witness.

324. General GRUNERT. That is all right. I just wanted to make sure that the witness did not consider these things as conclusions of the Board.

General GEROW. No.

325. General FRANK. But you were conversant with Secretary Hull's action in submitting a communication to the Japanese on November 26?

General GEROW. Yes, sir; I was informed of it.

326. General FRANK. And the Japanese were familiar with it, [4331] because they got it?

General GEROW. That's correct.

327. General FRANK. And General Short did not get it?

General GEROW. Well, I misunderstood you when you said the Japanese had it. I thought you meant perhaps their military and naval personnel, and that that fact influenced them to act. I realize that their own ambassadors here in Washington had received it.

328. General FRANK. The point I was trying to bring out was that there was information that was vital, that was in the hands of the Japanese, that the people on the frontiers did not have; do you see the point?

General GEROW. I see the point, but I think it is a matter of opinion as to how much information you should send to a commander. I felt that in the message of November 27th there was adequate warning that an attack might occur, and that this attack would be made by the armed forces of Japan and not by merely subversive elements.

329. General FRANK. Do you realize that in this series of messages great emphasis was placed on the fact that the expected action was down in the Philippines and the Kra Peninsula and Thai and Borneo?

General GEROW. I think that fact was discussed in several messages. I don't think it was referred to in the message of November 27.

330. General FRANK. No. But all of these messages were communicated to Short.

General GEROW. That is correct.

331. General FRANK. And he was influenced by a whole group [4332] of messages from both the Army and the Navy.

Did you expect an air raid on Hawaii at that time?

General GEROW. I think we stated in that message that the action Japan would take was unpredictable.

332. General FRANK. I am just asking for your personal opinion; if you want to give it, all right; if you don't, that is all right.

General GEROW. I felt that anything was likely to happen. I felt that there might be a raid on the Panama Canal, operations against Alaska, against Hawaii, and against the Philippines. I didn't feel that we had sufficient information to definitely decide just what Japan would carry out.

333. General FRANK. A few minutes ago, in discussing the situation with General Russell, you made a comparison of General Short's situation to your situation as a corps commander?

General GEROW. I did.

334. General FRANK. When you received the order to attack, you were given all the information of the enemy that was available, were you not?

General GEROW. Not by my Army commander. I got it from my own G-2.

335. General FRANK. Yes; but the Army commander gave you whatever he had?

General GEROW. His G-2 gave my G-2 whatever information he had.

336. General FRANK. Yes. You were told to attack, and there were no restrictions on you, other than your boundaries?

General GEROW. I was given the boundaries and the [4333] objective, and told to attack.

337. General FRANK. And the enemy was firing real bullets at you, and there was no question that you had to look out for anybody?

General GEROW. Yes, sir; that is correct.

338. General FRANK. All you had to do was to go out and get your objective, and to kill them off?

General GEROW. That is correct.

339. General FRANK. And here was a situation that was full of delicacy, where the man had certain restrictions and was circumscribed, and had to be careful not to offend the very people with whom he was about to go to war.

General GEROW. Well, if you recall, General, I used that illustration merely to try to clarify what I was thinking about at the time this message was sent out. When his reply came back, that question of "report measures taken," I didn't feel that under the circumstances it was the responsibility of War Plans Division to comment on or to attempt to prescribe the detailed method of how that commander would carry out his particular mission.

340. General GRUNERT. Colonel Toulmin, any questions?

341. Colonel TOULMIN. None, sir; thank you.

342. General GRUNERT. General Russell?

343. General RUSSELL. None.

344. General GRUNERT. I have one more question.

345. General RUSSELL. I was just going to put in this summary of statements made by Brigadier General Gerow, before the Roberts Commission, which contains a lot of messages and data, if there is no objection to it.

[4334] General GEROW. Yes, sir; I would like to have it inserted in the record.

346. General GRUNERT. All right. Have you identified that?

347. General RUSSELL. Yes, I think that is sufficient identification of it.

(The Summary of Statements made by Brig. Gen. L. T. Gerow was marked as Exhibit No. 63 and was received in evidence.)

348. General GRUNERT. Did the War Plans Division have to edit or pass on all command or informational messages that were sent to the overseas departments? Did they all channel through the War Plans Division for coordination, or were others empowered to send the messages direct, of which you might not have had information?

General GEROW. I think G-2 was authorized to send messages direct.

349. General GRUNERT. You mean inter-G-2, but addressed to the Commanding General, is that so?

General GEROW. Well, I think his messages had to be cleared through the secretary of the General Staff, as did all other messages, not necessarily cleared through War Plans Division, on intelligence matters.

350. General GRUNERT. But as far as the War Department was concerned, they at that time, or prior to that, at least, used to handle practically all other matters through War Plans, because the War Plans were looking after the overseas departments?

General GEROW. That is correct, sir.

351. General GRUNERT. And I just wanted to find out whether [4335] that continued to be the scheme, and whether the War Plans Division was held responsible for the information sent to the departments, and the instructions sent.

General GEROW. The War Plans Division's responsibility was of course for all messages concerning the war plans themselves—the development, and what we call the “project,” which involved the matériel, the equipment, and so forth.

352. General GRUNERT. I am questioning, a little bit, the system, or the lack of system, or the lack of coordination of departments of the War Department General Staff in dealing with its subordinate commanders, and I wanted to see whether or not there was any one agency charged with coordinating everything that went out to such commanders.

General GEROW. No, sir; I don't think the War Plans Division was responsible for coordinating everything.

353. General GRUNERT. Then who was, do you know?

General GEROW. I don't believe there is any one agency that was responsible.

354. General GRUNERT. Then it all headed into the Chief of Staff?

General GEROW. Yes, sir. If you will notice that, in some cases messages would go out, the operational messages or the War Plans messages would go out over the signature or the name of General Marshall, and there would be others that would go through the process of the Adjutant General's office.

355. General GRUNERT. When messages went out with the name of Marshall on them, were they considered of greater import than messages sent by the Adjutant General, or by Miles, or by Arnold, and so forth?

[4336] General GEROW. I should say, naturally, they would be so considered, since they carried the name of the Chief of Staff.

356. General GRUNERT. Then whose business was it to see whether or not there were any messages in conflict? We will take the messages of November 27, the one big warning message, in your mind. You take the G-2 message, which talked about sabotage. We will take the Adjutant General's message, which also told the tale about sabotage, and referred primarily to protection of aircraft. Whose business was it to coordinate those messages, so that the wrong impression would not be created in the minds of the commanding generals of the overseas departments?

Without such coordination, there was liable to be confusion and misunderstanding as to the intent of each one of the messages. Was that the War Plans Division? Was it the Chief of Staff?

General GEROW. It was done usually, General, I believe, by a matter of getting concurrences between the various divisions of the General Staff, on something that was going to be sent out. A directive that the G-2 might want to send out would probably be sent down to the War Plans Division for his concurrence on the directive. Likewise, War Plans might send one up to G-2 for concurrence, and if those various sections in the General Staff concurred, there was no necessity for any other coordination.

357. General GRUNERT. Then that section conveyed the information that there was nothing in there that they had previously sent, or that was intended to be sent in the future, or that such a message would interfere with; is that it? Is that the idea?

[4337] General GEROW. From the standpoint of the operation of that particular division, there was no objection to that message going.

358. General GRUNERT. I am trying to get it from the standpoint of the man who receives it and has to obey these things, as to the confusion as to the meaning and intent of the War Department. They all come down to him, one from G-2, one from the Adjutant General, one signed "Marshall." If there is any conflict, or any change of ideas, what message was the commander out there to obey—the one signed "Marshall," because he is the top man, or what? That is what I meant by the question as to what coordination there was in the War Department for such procedure. Was it just a coordination of concurrences?

General GEROW. The coordination of concurrences, and then most of these important messages I believe went through the secretary of the General Staff.

359. General GRUNERT. Then it appears to be the secretary of the General Staff?

General GEROW. No.

360. General GRUNERT. It appears you do not know just who does it. Do you?

General GEROW. Well, no, sir. I have been away from this three years, General, and there is probably a "green book" somewhere, and I think there is, in existence; and to express an opinion, I would like to get the "green book" and sit down and go through it, and cite what the regulations are; but I can't remember those over this period of time.

361. General GRUNERT. You did not consider it your particular duty at that time, did you?

[4338] General GEROW. No, sir; not to coordinate all the messages of the War Department that went to our overseas possessions.

362. General GRUNERT. All right. Now, I will give you one last opportunity to tell the Board anything else that may be in your mind, that you think might assist the Board in coming to conclusions and accomplishing its mission. Have you anything in mind that has not been brought out by questions, or subjects opened up, that you would like to put in the record, and put in the minds of the Board?

General GEROW. No, sir; I don't believe I have anything to suggest.

363. General GRUNERT. Are there any other questions?

Thank you, very much.

(The witness was excused, with the usual admonition.)

TESTIMONY OF EDWARD A. FURBUSH, SPECIAL AGENT, FEDERAL BUREAU OF INVESTIGATION; CHICAGO, ILL.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Furbush, will you please state to the Board your name and address.

Mr. FURBUSH. My name is Edward A. Furbush, Special Agent, with the Federal Bureau of Investigation.

2. Colonel WEST. Here, in Washington?

Mr. FURBUSH. I am assigned to the Chicago office.

3. General GRUNERT. Mr. Furbush, General Frank, assisted by Major Clausen, will conduct this particular part or phase of our investigation.

[4339] 4. Major CLAUSEN. Mr. Furbush, you were formerly assigned to the Los Angeles office of the FBI?

Mr. FURBUSH. Yes, sir.

5. Major CLAUSEN. Did you work on a case of Hans Wilhelm Rohl?

Mr. FURBUSH. I did.

6. Major CLAUSEN. And you rendered a report, dated 28 April 1943, sir?

Mr. FURBUSH. I did.

7. Major CLAUSEN. And I wish to invite your attention to the bottom of page 8, over to section 5, on page 9, and ask you to tell the Board the source of your information, the portion I have bracketed off.

Mr. FURBUSH. During the course of the investigation—

8. General GRUNERT. We do not know anything about what he is looking at, or what he is going to testify about, except it is a volume.

9. Major CLAUSEN. I want to get an answer, first, sir; then I will get the identification of it for the record.

10. General GRUNERT. All right.

Mr. FURBUSH. I will try to explain that, General.

During the course of the investigation I conducted as an agent of the Federal Bureau of Investigation, in Los Angeles, with reference to Hans Wilhelm Rohl, I looked at the file on Hans Wilhelm Rohl, at the office of the Immigration and Naturalization Service, Federal building, in Los Angeles. Subsequent to examining the contents of that file, I had a conversation with an attorney by the name of Bruce

Barber. Bruce Barber is an attorney for the Immigration and Naturalization Service, and I asked Mr. Barber if he had any further information [4340] to offer with regard to Rohl than what was contained in the files. Barber told me at that time that he was familiar with the investigation conducted by his office with reference to Hans Wilhelm Rohl, and added that when the facts of the investigation by the immigration agents were brought to his attention, he suggested that Rohl be prosecuted for violations of the immigration laws, and that a request be made that his citizenship be denied.

I asked him to explain this, further, and he said that the agents who investigated the case, after Rohl applied for citizenship in March 1941, determined that Mr. Rohl had a project down in Mexico in connection with his business, and that he had to cross the Mexican border at Laredo, Texas, on ten or twelve different occasions, and that not once did he tell the immigration officials that he was an alien, when, in fact, he was one. He told me, also, that it is impossible for a man to cross the border through immigration ten or twelve times without being asked if he was a citizen or an alien.

He also told me that on several occasions Rohl had taken trips on his yacht from Florida and New York over to Honolulu, and at various times the yacht had landed on foreign territory, and, returning from those trips, Rohl would have to go through immigration officers and customs officers; and on two occasions they had evidence reflecting that when he was asked if he was a citizen, he said yes, he was, when, in fact, he was an alien; told them that he was born in Iola, Kansas, giving his right date of birth.

11. Major CLAUSEN. May I ask specially whether you had a conversation with Mr. Barber concerning telephone calls from [4341] Colonel Wyman?

Mr. FURBUSH. Yes, I did, Major.

12. Major CLAUSEN. Would you state to the Board what those conversations were.

Mr. FURBUSH. Barber told me that when Rohl had first applied for citizenship, in March 1941, Barber's office had received several telephone calls—he told me, four or five telephone calls.

13. Major CLAUSEN. From whom?

Mr. FURBUSH. From Colonel Wyman, I believe he stated. The telephone calls were directed to a Mr. Carmichael, who was then head of the immigration office in Los Angeles, who, since then, is in the Army. The nature of the telephone calls, according to Mr. Barber, were to hurry the investigation of Mr. Rohl, as his services were essential to this country.

14. Major CLAUSEN. All right. Proceed, Mr. Furbush.

Mr. FURBUSH. Mr. Barber terminated this conversation by stating that the facts that had been brought to his attention had been presented to the courts in Los Angeles, and that prosecution had been denied, in view of the fact that the statute of limitations had set in.

Major CLAUSEN. Now, the portion of the report to which the witness has been referring is the portion which has already been read in evidence by me, at the interrogation as a witness of Mr. Barber.

Mr. Furbush, I show you a purported excerpt of a conversation between Colonel Wyman and three other Army officers, after an evening of drinking, in the spring of 1942, which is alleged to have occurred in

Honolulu, Territory of Hawaii. I [4342] will ask you whether, during the time you were connected with the Los Angeles office, this report was brought to the attention of the office at Los Angeles, by Mr. Bruce Pine?

Mr. FURBUSH. That never came to my attention, Major, when I was in Los Angeles.

16. Major CLAUSEN. Did it come to your attention subsequently, as having been a matter taken up by the Los Angeles office?

Mr. FURBUSH. Yes, it did.

17. Major CLAUSEN. Tell the Board the facts.

Mr. FURBUSH. While reviewing the Bureau file yesterday, I came across this information. The statement here attributed to Colonel Wyman is incorporated in a two-page letter submitted to the Bureau by Special Agent Francis V. Manion, who was attached to the Los Angeles Federal Bureau of Investigation, field division. Manion, in that two-page letter to the Bureau, set forth this information, this paragraph attributed to Wyman, as having been given to him by Mr. Combs and Mr. Pine.

18. Major CLAUSEN. Do you have a copy of that letter from Mr. Manion?

Mr. FURBUSH. I don't have a copy of the letter with me. It is in the Bureau file.

19. Major CLAUSEN. Could you make a copy available to the Board—request a copy, or would you prefer that I make the request direct through G-2?

Mr. FURBUSH. I would prefer that you make the request that way.

20. Major CLAUSEN. For purposes of identification, can you let me have the approximate date of this letter?

Mr. FURBUSH. February 7, 1944. It is substantially—as a [4343] matter of fact, it is almost word for word the same as this, here.

21. Major CLAUSEN. Which is the document that has previously been read in evidence?

Mr. FURBUSH. Yes; and not only is it word for word, but it is set out in the same fashion. That is, Mr. Pine and Mr. Combs gave this information to Manion.

22. Major CLAUSEN. Can you tell the Board from your investigation of just what the file disclosed, whether any action was taken by FBI to track down this statement of this Captain Guiter?

Mr. FURBUSH. When that information was brought to the attention of the FBI, it was immediately given to the criminal division of the Department of Justice.

23. Major CLAUSEN. And what is the policy, when Army officers are involved in charges?

Mr. FURBUSH. It is brought—it was also brought to the attention of the Army, by Captain Guiter, the name mentioned therein. It was told to agent Manion that Captain Guiter had brought this information to the attention of his commanding officers, the following day; that is, the day after he heard the statement made by Wyman.

24. Major CLAUSEN. And what is the policy of the FBI with regard to charges of dereliction which include Army officers?

Mr. FURBUSH. The policy of the FBI with reference to that is to bring this information which comes to the attention of the FBI to

the officers of the Army, Army officers; that is, the division of the Army with whom we do business, G-2, the intelligence division, for their own information. We don't [4344] conduct any investigation, unless they request it.

25. Major CLAUSEN. Does the file indicate any request from the Army to conduct any investigation?

Mr. FURBUSH. No, it does not, Major.

26. Major CLAUSEN. So that, so far as the file discloses, the report was made, and you assumed, or rather the FBI assumed, that the Army would conduct its investigation?

Mr. FURBUSH. It was not an assumption. It was a knowledge, I think, Major.

27. Major CLAUSEN. It was what, sir?

Mr. FURBUSH. It was knowledge on the part of the FBI that this information—they knew that this information was in possession of the Army and also in possession of the criminal division of the Department of Justice.

28. Major CLAUSEN. And for which reason, no further steps were taken?

Mr. FURBUSH. And for that reason, no further steps were taken by the FBI. In other words, no request was made by the Army or by the Department of Justice to conduct any further investigation along these lines.

29. Major CLAUSEN. The document to which I have invited the attention of the witness is the same one which I previously read, concerning Captain Guiter and this alleged information concerning the statement by Colonel Wyman that he should take a service revolver and shoot himself.

30. Colonel TOULMIN. In order that there may be no misunderstanding about the witness's testimony, that statement ought to be marked definitely as having been the statement shown to this witness; otherwise, it depends upon the interpretation of what [4345] he said.

31. Major CLAUSEN. Yes. It is in evidence, sir.

32. Colonel TOULMIN. Then mark it. You did not show him the exhibit, you showed him that other paper.

33. Major CLAUSEN. Yes. Well, it is the same one. You can mark that, if you wish. Would you mark that, Mr. Reporter?

34. Colonel TOULMIN. If there be a duplication, it can be identified by other numbers.

(The paper referred to, being a statement by John Weiner, *in re* statement by Colonel Wyman, was marked as Exhibit No. 64, and was received in evidence.)

35. Major CLAUSEN. Mr. Furbush, is there anything further in connection with these two phases, which you can offer, that may be helpful to the Board, and that have not been explained?

Mr. FURBUSH. Not from my own knowledge. If you have some questions that trouble you, maybe I can answer them.

36. Major CLAUSEN. We have accumulated quite an amount of data on this. I have no further questions.

37. General GRUNERT. Thank you very much.

(The witness was excused, with the usual admonition.)

(Thereupon, at 1 p. m., the Board, having concluded the hearing of witnesses present at the morning session, took up the consideration of other business.)

[4346]

AFTERNOON SESSION

(The Board, at 2:20 p. m., continued the hearing of witnesses, pursuant to the recess.)

TESTIMONY OF SIDNEY C. GRAVES, 2401 FOXHALL ROAD, WASHINGTON, D. C.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Mr. Graves, will you please state to the Board your name and address?

Mr. GRAVES. Sidney C. Graves, 2401 Foxhall Road, Washington, D. C.

2. Colonel WEST. And what is your occupation, Mr. Graves?

Mr. GRAVES. Insurance business at the present time.

3. General GRUNERT. Mr. Graves, General Russell will lead in propounding the questions and try to develop what we are after as far as you are concerned.

Mr. GRAVES. Yes, sir.

4. General RUSSELL. Mr. Graves, how long have you been a resident of the city of Washington?

Mr. GRAVES. Since 1921.

5. General RUSSELL. You came here from?

Mr. GRAVES. Siberia.

6. General RUSSELL. Siberia?

Mr. GRAVES. Yes; that is, during—I have been all over, but I came from Siberia the last time.

7. General RUSSELL. That was your last port of call before you came to Washington?

Mr. GRAVES. Yes.

8. General RUSSELL. Mr. Graves, are you acquainted with [4347] Sir Owen Dixon, who at one time was the Australian Minister to the United States?

Mr. GRAVES. I met him on one occasion.

9. General RUSSELL. You saw him only one time. For the purposes of the record, do you know whether Sir Owen Dixon is now a resident of the District of Columbia?

Mr. GRAVES. I do not.

10. General RUSSELL. You have no information—

Mr. GRAVES. No, sir.

11. General RUSSELL. —as to whether he is here now?

Mr. GRAVES. I have just the same hearsay information that he has been leaving the first of this week which was said on the air, but that's nothing to my knowledge.

12. General RUSSELL. Oh, that will be of help to us.

Mr. GRAVES. Yes. He has been recalled, General. I mean he is supposed to leave here the first of the week.

13. General RUSSELL. But up until that time he was actually here in Washington?

Mr. GRAVES. Yes, sir.

14. General RUSSELL. Mr. Graves, you say that you saw this man, Sir Owen Dixon, on only one occasion?

Mr. GRAVES. Only one that I remember of.

15. General RUSSELL. Do you recall when that occasion was?

Mr. GRAVES. It was a dinner given at Mrs. McCeney Werlich's on Sixteenth Street about P. I don't know the address. It's in the book.

16. General RUSSELL. Now, you have given the place. Do you recall approximately the date of that dinner?

Mr. GRAVES. The date was December 7, 1943. But I might [4348] interpolate there that I remembered it was during the winter, that I established the exact date by referring to my wife's diary; I would never know it of my own knowledge.

17. General RUSSELL. But this was a social affair, a dinner party?

Mr. GRAVES. Yes, sir.

18. General RUSSELL. A large number of guests or a small number of guests?

Mr. GRAVES. There were ten or twelve, as I remember.

19. General RUSSELL. I believe among the guests were Senator Ferguson and a Mr.—

Mr. GRAVES. Frank Hanighen.

20. General RUSSELL. Now, the information which we have, Mr. Graves, is to the effect that at some time during that evening Sir Owen Dixon made some remarks relative to a Japanese task force, and possibly in the remark he included some information or some data about an Australian task force. It would be helpful to the Board, if you overheard such a conversation, if you could give us the substance of it.

Mr. GRAVES. This conversation took place after dinner and I don't remember whether any of the ladies heard it or not, but it took place after dinner in the presence of the gentlemen that were at the dinner, and he stated in substance about as follows: that he had been a Judge in Australia and at the outbreak of the war had resigned his judgeship to take charge of coastwise shipping in Australian waters; that 72 hours approximately before Pearl Harbor he received a flash from his naval intelligence that a Japanese task force was headed possibly in the direction of Australia and that they [4349] should prepare for a blow. He further stated that 24 hours later this was confirmed, that it was followed almost immediately by the advice that this task force was apparently not headed toward Australia; and Sir Owen Dixon added that it might have been headed toward some American possession. One of the guests asked him if this information was available to American authorities, and he stated, as I remember it, that it was if it had been requested. And that's all there is to it, General, as far as that is concerned.

21. General RUSSELL. In your remarks a minute ago, in reporting the second part of this, the second part of Sir Owen Dixon's statement, to the effect that later, 24 hours later—

Mr. GRAVES. Yes.

22. General RUSSELL. —he received further information from his intelligence, which was confirmed—

Mr. GRAVES. Confirming his first flash that the Japanese task force was out. That's what I meant to imply, that he—that at least is what he meant to imply, I am certain.

23. General RUSSELL. Yes, but that Sir Owen Dixon himself said that possibly it was headed toward our possessions of the United States. Now, it wasn't clear to me whether or not Dixon was quoting information as to the task force headed towards us or whether he was just talking ex cathedra about it.

Mr. GRAVES. And it is not clear to me also, because it was impossible to separate, and naturally I didn't question the gentleman at the time. I was surprised at such information being made public and at a social gathering, and [4350] I didn't say anything to him, but at the time it struck me that I did not know whether his intelligence reported it was heading toward an American possession or whether that was Sir Owen Dixon's own interpolation. That's what I mean to convey.

24. General RUSSELL. You did, however, get the definite impression that Sir Owen Dixon was attempting to communicate to you people that he had two separate messages from his intelligence?

Mr. GRAVES. Yes, sir.

25. General RUSSELL. One followed the other by approximately 24 hours?

Mr. GRAVES. Yes, sir.

26. General RUSSELL. And there is no doubt in your mind as to the contents of the first information which was conveyed to him and which he transmitted to you people?

Mr. GRAVES. No, sir.

27. General RUSSELL. But there is some doubt in your mind as to whether or not the information as to the task force heading toward us, in the second information, came from his intelligence or was merely supplied by Sir Owen Dixon?

Mr. GRAVES. Correct.

28. General RUSSELL. I wanted to get that rather definitely in the record.

Do you recall just what period of time was covered by Dixon in making these statements that you have just given us the substance of?

Mr. GRAVES. Oh, I would say certainly not longer than five minutes; I would say perhaps not that long.

[4351] 29. General RUSSELL. Did it provoke any discussion among the people to whom he made the remark at the time?

Mr. GRAVES. It broke up almost immediately following that, but you could see from the expression of some of the men's faces there that they were rather flabbergasted at that type of information. We didn't have time to discuss it at that time. Of course, it had been discussed afterwards among people that were there.

30. General RUSSELL. When Dixon was questioned as to whether or not this information which he had received had been transmitted to the American Government, you got the definite impression, which you have described to us, that he said they could have had it if they had asked for it?

Mr. GRAVES. He did not definitely say that it had been.

31. General RUSSELL. Yes. Now, at the time that Dixon was accumulating this information from his intelligence service he was a resident of Australia, was he?

Mr. GRAVES. Oh, yes. This was in—

32. General RUSSELL. In '41?

Mr. GRAVES. Yes, sir.

33. General RUSSELL. Long prior to the time he came to Washington?

Mr. GRAVES. Oh, yes. He had been on that duty probably since '39.

34. General RUSSELL. Did you ever discuss this conversation with Mr. Hanighen since the date of Dixon's statement?

Mr. GRAVES. Oh, yes.

35. General RUSSELL. Could you name any other people who might have been there and overheard this same conversation, [4352] except Hanighen and Senator Ferguson?

Mr. GRAVES. No, sir, I can't be definite, because I tried. After that length of time, Hanighen and Ferguson made the main impression on me because we three were sitting right with the Australian Minister, and being Senator Ferguson was there, and we all looked at each other, and I had forgotten there were two guests from Virginia, but I don't remember who they were. There was my wife, of course, and the hostess, and I have forgotten the name of the odd women.

36. General RUSSELL. So far as you know, you have only seen this man Sir Owen Dixon on that one occasion?

Mr. GRAVES. That's all.

37. General RUSSELL. I think those are the only questions I have.

38. General GRUNERT. 72 hours before the attack would make it three days before. That would be December 4th, wouldn't it?

Mr. GRAVES. Yes, sir.

39. General GRUNERT. And 24 hours from that would make it December 5th?

Mr. GRAVES. I think so.

40. General GRUNERT. Now, I didn't quite understand. Mr. Dixon was with the coastwise shipping of Australia?

Mr. GRAVES. Yes.

41. General GRUNERT. Did the coastwise shipping have a special intelligence service of their own, or did he get it from what intelligence service? Do you know?

Mr. GRAVES. That I couldn't tell you, General, because he didn't interpolate that.

[4353] 42. General GRUNERT. He referred to an intelligence service?

Mr. GRAVES. That's all.

43. General GRUNERT. Or his intelligence service?

Mr. GRAVES. No.

44. General GRUNERT. Or the Navy intelligence service?

Mr. GRAVES. Just "the intelligence service." Put it that way. It's probably as nearly as I can pin it down.

45. General GRUNERT. "The intelligence service." And as I understood it Mr. Dixon added that it might have been headed for American possessions. Did you take that to mean that it was his guess, or that was part of the intelligence report?

Mr. GRAVES. I took it to mean that it was part of the intelligence report, but in making the statement that finally became public I wanted to be just as fair as I could be, and I realized that it might have been his interpolation at the time he said it. I took it as the intelligence report.

46. General GRUNERT. Was there any discussion afterwards or at that time as to what American possessions he might have referred to—

Mr. GRAVES. No, sir.

47. General GRUNERT. —in considering Guam, the Philippines, Hawaii, Wake, or anything else?

Mr. GRAVES. No, sir. The assumption was otherwise, but there was no statement made.

48. General GRUNERT. You have never since seen Dixon to discuss it with him?

Mr. GRAVES. No, sir.

49. General GRUNERT. The papers evidently stated there was a denial on his part.

[4354] Mr. GRAVES. Well, off the record.

50. General GRUNERT. Did it surprise you?

Mr. GRAVES. Off—well, that's all right as far as I am concerned. His denial said that he never said that he had advance knowledge of an attack on American possessions, and that's all the statement that I have seen that has been made by Sir Owen Dixon. He did not deny this conversation, but he said he had no advance—that he never said that he had any advance knowledge of an attack on an American possession.

51. General GRUNERT. Did you consider that beating around the bush?

Mr. GRAVES. No, sir. We were not yet in the war and—

52. General GRUNERT. I mean the recent statement in the papers.

Mr. GRAVES. No. We were not yet in the war, and he might have thought that the task force was headed toward an American possession and very correctly have stated that he had no idea of an attack on an American possession, so I assumed—of course, I took it as the best denial that he could make, because he could not deny this conversation, because too many people had heard it.

53. General GRUNERT. Are there any further questions? (No response.)

Do you think of anything else that you might tell the Board regarding this?

Mr. GRAVES. No, sir. I know nothing about the circumstances of the matter at all, except this conversation. That was all.

54. General GRUNERT. Thank you very much.

[4355] Mr. GRAVES. You are welcome. Thank you, gentlemen. (The witness was excused, with the usual admonition.)

55. General RUSSELL. I introduce in evidence a statement furnished to the Board by Colonel Robert B. Richards, General Staff Corps, Budget and Fiscal Officer, M. I. D., which statement is dated August 21, 1944. This statement was furnished to the Board pursuant to a request made upon Colonel Richards at the time of his testifying before the Army Pearl Harbor Board on the 15th day of August, 1944. The testimony of Colonel Richards is reported in Volume 7, commencing at page 730 and ending at page 745, of the above volume of the record.

Statement furnished by Colonel Robert B. Richards, General Staff Corps, Budget and Fiscal Officer, M. I. D., dated August 21, 1944, is as follows:)

[4356] Fiscal year	Of- ficer	En- listed	Civil- ian	Total	Funds	Fiscal year	Of- ficer	En- listed	Civil- ian	Total	Funds
1921.	58	-----	151	209	\$300,000	1932.	50	3	118	171	57,480
1922.	66	-----	130	196	225,000	1933.	53	3	122	178	47,000
1923.	54	-----	127	181	162,500	1934.	54	3	123	180	39,990
1924.	61	-----	127	188	149,000	1935.	49	3	123	175	27,500
1925.	62	-----	126	188	65,500	1936.	50	3	124	177	87,000
1926.	63	-----	122	185	65,500	1937.	52	3	119	174	87,000
1927.	58	-----	120	178	61,520	1938.	54	3	122	179	89,450
1928.	62	-----	125	187	60,000	1939.	85	3	137	225	89,450
1929.	66	-----	124	190	62,480	1940.	276	3	808	1,087	155,000
1930.	63	-----	123	186	57,480	1941.	388	58	885	1,331	360,000
1931.	59	3	121	183	57,580	1942.	1,202	172	1,484	2,858	879,000

N. B. (1) In 1939 G-2 obtained a maintenance allowance for M. A.'s. This accounts for the big increase in the 1940 fiscal year account. Prior to then only men of independent means could become M. A.'s.

(2) Prior to 1939 no funds were expended for "confidential" purposes.

[4357]

WAR DEPARTMENT,
MILITARY INTELLIGENCE SERVICE,
Washington, 21 August 1944.

Mid 904

Memorandum for the Army Pearl Harbor Board:

(Attn: Maj. Gen. Henry D. Russell)

Subject. Additional Information.

1. During the questioning of Colonel Robert B. Richards 15 August 1944, answers to the following questions were requested to be submitted:

a. The number of enlisted agents in the Hawaiian Department during the period from 1 July 1940 to 31 December 1941.

b. The amount of Military Intelligence funds expended by Hawaiian Department for the hire of agents and informers during the fiscal year 1941 and the first half of the fiscal year 1942.

c. The amounts of the budgets of Germany, Japan, Russia and Great Britain for Military Intelligence purposes for the years directly preceding the calendar year 1942.

2. The records and facilities of this Division disclose the following:

a. The status of the Corps of Intelligence Police (later called Counter Intelligence Corps) in Hawaiian Department, was as follows:

[4368]	Date	Number authorized	Number on duty
1 July 1940.	-----	4	3
27 June 1941.	-----	19	12
7 December 1941.	-----	19	12
31 December 1941.	-----	19	19

b. Analysis of records in this Division show that between 1 July 1940 and 1 January 1942, the following allotments from the appropriation Miscellaneous Expenses, Military Intelligence Activities, Army" were made to the Hawaiian Department by this Division:

Date	Amount	Period	Limitation
25 July 1940.	\$6,060	Fiscal year 1941.	Not to exceed \$3,060 for hire of civilian clerks
15 November 1940.	1,500	Fiscal year 1941.	None
16 July 1941.	8,320	1st Half F. Y. 1942.	Not to exceed \$2,430 for hire of civilian clerks
22 December 1941.	4,980	3rd Qtr. F. Y. 1942.	Not to exceed \$1,980 for hire of civilian clerks

Thus during the period 1 July 1940 to 7 December 1941, there was available to the Hawaiian Department, exclusive of the hire of civilian clerks, the total of \$10,310 from the appropriation "Miscellaneous Expenses, Military Intelligence Activities, Army".

Records on file in this Division indicate that during the period 17 August 1940 through 6 October 1941, the Hawaiian Department reported confidential expenditures of these funds as follows:

[4359] Expenses of Commissioned and Enlisted personnel in connection with Intelligence and Counter Intelligence activities-----	\$1,479.97
Hire of civilian agents and translators and payments and entertainment for informers-----	895.00
Postage, post office boxes, books, periodicals, newspapers, etc-----	729.89
Total-----	\$3,104.86

NOTE.—Of this total, the amount of \$2,224.60 was expended from 17 August 1940 thru 30 June 1941.

Of the \$7,560 allotted in fiscal year 1941, the sum of \$424.79 was reported by Hawaiian Department as unexpended and unobligated. Thus the actual expenditures of \$7,135.21 may be taken as:

For civilian clerks (1 at \$1,620 and 1 at \$1,440)-----	\$3,060.00
For confidential purposes-----	2,224.60
For other purposes-----	1,850.61
Total-----	\$7,135.21

c. No information available to this Division discloses a specific breakdown of National Defense appropriations for Military Intelligence functions of Germany, Japan, Russia or Great Britain. Germany has not published a budget since 1932 and none of the other three countries have shown the amounts of their Military Intelligence activities, either in amounts or percentages, however, the following is submitted:

[4360] (1) It is the opinion of one Military Attache to Germany, that, based upon his observations in that country from 1939 to 1942:

"I am of the opinion that the German Reich placed no limit on expenditures to obtain military intelligence information in Europe and Africa. The mission given to German intelligence organizations was to obtain complete coverage. I am convinced that this coverage was complete for the invasion of the West. It is impossible to accurately estimate the total expenditures of the German Government for intelligence purposes."

(2) A study made by this Division 20 April 1939, the following figures were presented as estimated Intelligence allotments of Japan for the years indicated:

1934-35-----	\$9,519,170
1935-36-----	8,004,409
1937-38-----	8,072,743

Reliable information in this Division indicates that the Japanese Foreign Office allocated over \$250,000 in 1937-38 for propaganda and intelligence purposes in the United States alone.

(3) Concerning Russian expenditures, the only figures available are included in a report dated 12 September 1936, which was summarized as follows:

"As a summary, a guess might be hazarded that the Soviet Union expends for general purposes of positive intelligence, about 2½ millions annually [4361] and for negative intelligence under the direction of the Peoples Commissariat of Internal Affairs a sum amounting to tens of millions of dollars."

(4) It is known that a large appropriation is voted by the Parliament of Great Britain for the Secret Intelligence Service as part of the Foreign Office budget, and that the head of the Secret Intelligence Service is never obliged to give an accounting for the disposition of the money. In a newspaper report on the 1936 budget, the only figure published relative to Intelligence funds was an amount of £250,000 for Secret Service under the Home Office requirements.

For the A. C. of S., G-2:

/s/ Robert B. Richards,
ROBERT B. RICHARDS,
Colonel, GSC
Budget and Fiscal Officer, MID.

[4362] **STATEMENT OF MAJ. GEN. HENRY D. RUSSELL, MEMBER, ARMY PEARL HARBOR BOARD, REGARDING THE RELATION OF THE BOARD TO CONGRESSMAN JOHN M. ROBSION**

56. General RUSSELL. I desire to present at this time a statement for the record as to the relation of the Army Pearl Harbor Board with the Honorable John M. Robsion, Member of Congress, House of Representatives, Washington, D. C.

In the study by the Army Pearl Harbor Board of the CONGRESSIONAL RECORD relating to the attack on Pearl Harbor, it discovered a report of a speech alleged to have been made by the Honorable John M. Robsion, Member of Congress from the State of Kentucky.

Thereupon, the following self-explanatory letter was addressed to Congressman Robsion by Lt. Gen. George Grunert, President of the Army Pearl Harbor Board.

(Letter, dated August 2, 1944, from Lt. Gen. George Grunert, president, Army Pearl Harbor Board, to Congressman John M. Robsion, is as follows:)

HEADQUARTERS ARMY PEARL HARBOR BOARD.

Munitions Building, August 2, 1944.

Honorable JOHN M. ROBSION,
House of Representatives.

Washington, D. C.

DEAR CONGRESSMAN ROBSION: The Board named by the War Department under the provisions of Public Law 339, 78th Congress, to investigate the Japanese attack on Pearl Harbor on December 7, 1941, is meeting continuously.

In the study of available records the Board has considered carefully Congressional proceedings relating to the [4363] events at Pearl Harbor.

The CONGRESSIONAL RECORD of June 5, 1944, contains an address delivered by you in which you discussed House Joint Resolution 283. In that address the following statements appear:

"After weeks of delay, authority was given to certain secret agents of the Government to tap the wires between Honolulu and Tokyo. On Friday night, December 5, 1941, these Government agents listened in and heard one of these Jap vice consuls hold a 17-minute conversation with a high Jap official in Tokyo. Our Government officials spent that Friday night translating and attempting to decode this conversation. On Saturday morning, December 6, 1941, a copy of this translated, decoded conversation was given to the Chief Intelligence Officer of the Army with instructions for him to deliver it to General Short. He reports that he went to General Short's house about noon on Saturday on December 6, 1941, and General Short was having a party of some sort, and General Short cursed this Intelligence Officer and almost bodily threw him out of the house for bringing that paper to him. Another copy was given to the Chief Intelligence Officer for the Navy at Pearl Harbor to give to Admiral Kimmel. That naval officer admits, we are informed, that he put it in his pocket, and intended to give it to Admiral Kimmel on Sunday afternoon, December 7, 1941, but the attack came on Sunday morning, December 7. There were many other [4364] warnings and some of them were given to the authorities here in Washington, and some of the daily newspapers of Honolulu carried large black headlines that Pearl Harbor would likely be attacked on that week end, but nothing was done to protect our fleet, our bombers and planes, or to prevent the butchery of nearly 4,000 officers and men."

These remarks are on page 5444 of the RECORD.

The Board is very anxious to investigate the occurrences described in your speech. It would be a great help to the Board if you could appear before it in Room 4747, Munitions Building, at your early convenience. In the event you desire, plans will be made to talk with you at such other place as you may designate and when it will be convenient to you.

Very truly yours,

(Signed) GEORGE GRUNERT,
Lieutenant General, U. S. Army,
President.

57. General RUSSELL. The above letter was delivered to the office of Congressman Robsion by Sergeant Montgomery on the date of its draft.

At the end of two weeks after the delivery of said letter, the Board had received no reply thereto. Thereupon, Lieutenant Murphy, Administrative Officer of the Army Pearl Harbor Board, telephoned Congressman Robsion's office and was advised by Mr. Smith, the Congressman's secretary, that the letter had been forwarded to the Congressman at his Kentucky home. By long-distance telephone, Lieutenant Murphy talked with Congressman [4365] Robsion, and he was told by Congressman Robsion that he (Robsion) was very anxious to appear before the Board, and would return to Washington at the week end following this conversation.

On the next Monday, Lieutenant Murphy telephoned Congressman Robsion's office, and was advised by Mr. Smith, the Secretary, that the Congressman had returned to Washington on the preceding Saturday, but had been taken seriously ill and was then in the Naval hospital.

Within a few days, General Russell talked with the surgeon who had operated on the Congressman and who was then in attendance upon him. This surgeon stated to General Russell that the Congressman had undergone a major operation, but that his recovery appeared normal and that, in the surgeon's opinion, within a week or ten days, the Congressman would be physically able to confer with a Member of the Army Pearl Harbor Board. General Russell agreed to call the surgeon at the expiration of the period set by the surgeon.

Such call was made on the surgeon by General Russell, and the surgeon reported that Congressman Robsion was recovering satisfactorily, and it was the belief of the surgeon that within two or three days, General Russell, or some other Member of the Board, could call upon Robsion at the hospital to talk with him.

Within the next two or three days, General Russell called the surgeon and was told by the surgeon that Congressman Robsion was then physically able to confer with a representative of the Board, but stated that it was his (the surgeon's) desire to discuss the matter with the Congressman. Returning to the phone a few minutes later, the surgeon stated that he [4366] had talked with the Congressman, but that the Congressman had stated that he did not feel physically able to see anyone. When asked whether or not it would be possible for some Member of the Board to confer with the Congressman before the Board's departure for California and Honolulu, and having given the surgeon the probable date of the departure, General Russell was told that Congressman Robsion would not see him here prior to the departure of the Board.

Upon the return of the Board to Washington, and on the 25th of September, General Russell called the office of Congressman Robsion and talked to some man who represented himself as the Congressman's secretary. This man stated that the Congressman had left the hospital and was confined to his home, in Washington. Further, this gentleman stated that the Congressman had undergone a very severe illness, and that his recovery at this time was not complete. At the request of General Russell, this man stated that he would convey to the Congressman the Board's desire to have him appear before it as a witness, and would then notify General Russell of the Congressman's decision.

To the date of placing this statement in the record, to-wit, 28 September 1944, no word has come from the Congressman or anyone representing him.

TESTIMONY OF THOMAS B. SHOEMAKER, ASSISTANT COMMISSIONER OF IMMIGRATION AND NATURALIZATION, IN CHARGE OF ADJUDICATIONS; CENTRAL OFFICE, PHILADELPHIA, PA.

(The witness was sworn by the Assistant Recorder and advised of his rights under Article of War 24.)

1. Major CLAUSEN. Will you state for the Board your name, [4367] present position, and residence.

Mr. SHOEMAKER. Thomas B. Shoemaker, Assistant Commissioner of Immigration and Naturalization, in charge of adjudications, in the Central Office at Philadelphia, Pa.

2. Major CLAUSEN. Mr. Shoemaker, before coming in here today, I showed you a file that I had received from the District Director at Los Angeles, and at this time I invite your attention to one of the letters therein, which purports to be a letter from you, as Deputy Commissioner, Legal Branch, to the District Director, at Los Angeles, dated February 4, 1941, in which you ask that the application for certificate of arrival of Hans William Rohl be made special. Will you look at that letter, please, which I now show you, and state to the Board whether that is your signature, and whether you sent that letter, on that occasion.

Mr. SHOEMAKER. That is my signature, and I was responsible entirely for that letter.

3. Major CLAUSEN. Now, referring to the immediately following copy of letter in the file, which appears to be a copy of letter from Lt. Col. Theodore Wyman, Jr., dated January 22, 1941, to Mr. H. W. Rohl, will you tell the Board, from your examination of the file, what request if any from the Army had been made to you, with respect to Mr. Rohl and his application.

Mr. SHOEMAKER. As I look back over this file, I think either Wyman—that is, Lt. Col. Wyman—or counsel for Lt. Wyman, had come to see me about getting action expedited in connection with Rohl's naturalization.

4. Major CLAUSEN. Did you say "Counsel for Colonel Wyman"?

Mr. SHOEMAKER. Counsel for Colonel—well, I should say [4368] counsel for Rohl. I beg your pardon, I would like to amend that.

5. Major CLAUSEN. Now, do you recall at this time whether the counsel presented the letter which is in the file, here, a copy of which is a letter from Colonel Wyman to Mr. Rohl, as being a basis for making the request that the case be treated as special?

Mr. SHOEMAKER. Well, I can't tell you that, definitely, but I could come pretty nearly asserting that to be the fact, for this reason: We would not expedite the naturalization of anyone hardly unless there was some particular reason, and if an Army officer or anyone connected with the War Department should be most insistent with regard to expediting naturalization of some individual, we would naturally be desirous of cooperating and would go the limit, and would even do that today.

6. Major CLAUSEN. Mr. Shoemaker, when I received this file from the District Director at Los Angeles, he cautioned me that I could not

have any of the papers in this file photostated, and, since I have returned, I have discussed that question with you, and as I understand it, I am now permitted by you, as a higher authority, to have such papers and letters in here photostated as I desire.

Mr. SHOEMAKER. That is correct; you may photostat any papers in there that will serve your purposes.

7. Major CLAUSEN. As the Board may desire?

Mr. SHOEMAKER. Exactly.

8. Major CLAUSEN. Now, today, while you were waiting to be called as a witness, did you receive from an office here in [4369] Washington, an additional file?

Mr. SHOEMAKER. I did.

9. Major CLAUSEN. The one which I hand you?

Mr. SHOEMAKER. I did; and this is the file.

10. Major CLAUSEN. And what office was that sent from?

Mr. SHOEMAKER. That is our liaison office, here in Washington. You see, our central office is in Philadelphia.

11. Major CLAUSEN. There are certain papers in this file which I desire to call to the attention of the Board, and which may be relevant on consideration of all the facts.

The very first document in the file is a declaration of intention, signed by John William Rohl.

Mr. SHOEMAKER. Down at the bottom, there.

12. Major CLAUSEN. Yes, "John William Rohl," signed, July 23, 1915.

13. General GRUNERT. Is John William Rohl identical with Hans Wilhelm Rohl?

14. Major CLAUSEN. Hans Wilhelm Rohl is the German of John William Rohl, sir, and this has been referred to in other testimony as being an act of Hans Wilhelm Rohl, as of that time.

The next paper in the file is a photostatic copy of a letter from Colonel Wyman to Mr. Rohl, dated January 22, 1941, which contains his signature.

The next paper in the file is a memorandum from Mr. Shoemaker for the file, dated February 1, 1941. Mr. Shoemaker, is that your notation on the memorandum?

Mr. SHOEMAKER. That's my—those are my initials, and I dictated that memorandum.

[4370] 15. Major CLAUSEN. I will read this to the Board. It is on the letterhead of United States Department of Justice, Immigration and Naturalization Service, Washington:

(The memorandum by T. B. Shoemaker, Deputy Commissioner, dated February 1, 1941, is as follows:)

FEBRUARY 1, 1941

Memorandum.

Mr. Galloway, former Assistant Attorney General, called at this office today. He stated that this alien is married to an American citizen and would not wish to leave the United States until he can become naturalized. I talked the matter over with Mr. Dimock, who stated that in view of the defense work on which the alien would be engaged, as shown by the letter of January 22, 1941, from Lt. Col. Wyman (copy herewith), special action should be taken to get the certificate of arrival, get the petition on file and secure final hearing.

(Initialed) T. B. S.

T. B. SHOEMAKER,
Deputy Commissioner, Legal Branch.

Who, Mr. Shoemaker, was Mr. Galloway?

Mr. SHOEMAKER. Mr. Galloway was former Assistant Attorney General of the United States, in charge of the criminal branch, I think, under the prior administration.

16. Major CLAUSEN. And he was practicing law?

Mr. SHOEMAKER. Yes, sir.

17. Major CLAUSEN. In February 1941, in Washington, D. C.?

Mr. SHOEMAKER. Yes, he was practicing law in Washington, D. C.

[4371] 18. Major CLAUSEN. And at this time, did he represent the applicant, Hans Wilhelm Rohl?

Mr. SHOEMAKER. I so take it, there, very clearly.

19. Major CLAUSEN. So, in addition to Mr. John Martin, and Mr. David Cannon, there is this other lawyer, Mr. Galloway, representing the applicant?

Mr. SHOEMAKER. Yes.

20. Major CLAUSEN. Who was Mr. Dimock, referred to in your memorandum?

Mr. SHOEMAKER. Mr. Dimock was a former Assistant Secretary of Labor, and later, assistant in charge of the Immigration and Naturalization Service. He was the second man in rank.

21. General FRANK. Where?

Mr. SHOEMAKER. In Washington, D. C. Major Scofield was the Special Assistant to the Attorney General, and Mr. Dimock was the next in charge.

22. Major CLAUSEN. The next paper in this file to which I invite the attention of the Board is a memorandum from E. B. Medley to Mr. W. W. Brown, dated 7-1-41, July 1, 1941, which states, at the bottom:

(Excerpt from memorandum, E. B. Medley to W. W. Brown, dated "7-1-41," is as follows:)

Mr. Galloway (DI 6196) telephoned and asked if report had been received from California. He was told that it had. He would like to talk with the gentleman handling the case and I suggested that you would talk with him probably. Will you be so good as to call him up, please?

Mr. SHOEMAKER. Do you want me to identify those persons?

[4372] 23. Major CLAUSEN. Yes, sir; if you can.

Mr. SHOEMAKER. Mrs. Medley was formerly my secretary, now retired, living in Florida. Mr. W. W. Brown was chief of the warrant branch of the Immigration and Naturalization Service, in the central office. Presumably, I was absent at that time.

24. Major CLAUSEN. The next paper to which I invite the attention of the Board is a memorandum for the file, dated September 5, 1941, stating as follows:

(Memorandum dated Sept. 5, 1941, signed "CB", follows:)

Mr. Stilphen, Br. 5567 War Department, was contacted by Mr. Devaney on this case today.

(signed) CB.

Who is "CB"?

Mr. SHOEMAKER. I imagine some one of his secretaries. He is my assistant, Mr. Devaney.

25. Major CLAUSEN. Mr. Devaney is your assistant?

Mr. SHOEMAKER. My assistant. I imagine that is one of his numerous secretaries which have changed in the changing process during the war.

26. Major CLAUSEN. Did you have a talk with Mr. Stilphen about this case, Mr. Shoemaker?

Mr. SHOEMAKER. Not so far as I can recall.

27. Major CLAUSEN. Do you know who Mr. Stilphen was?

Mr. SHOEMAKER. No, I don't.

28. Major CLAUSEN. The next paper in the file is a memorandum dated September 8, 1941, "Memorandum for the file," reading as follows:

(Memorandum, dated Sept. 8, 1941, signed "CB", follows:)

At Mr. Devaney's direction, I informed Mr. Stilphen, [4373] of the War Department, of the contents of the telegram dated September 6, 1941, from the Los Angeles office of this service.

He was most appreciative of our information about Mr. Rohl's hearing.

It is signed with the initials, "CB," and then, attached to that, is a telegram, dated September 6, 1941, Office of District Director, Los Angeles, to the Commissioner at Washington, reading as follows:

(Telegram, dated Sept. 6, 1941, signed by Blee, follows:)

Attention T. B. Shoemaker. Your telegram September sixth. Final hearing of petition for naturalization of Hans William Rohl set for September fifteenth and his attorney David Cannon so advised.

(Signed) BLEE.

Do you know who Blee was, sir?

Mr. SHOEMAKER. He was assistant in charge of the Los Angeles office; since retired, I think.

29. Major CLAUSEN. The final two papers in the file are two letters, both dated October 10, 1941. The first is to Mr. Benjamin L. Stilphen, Esq., room 2029, New War Department, 21st and Virginia Avenue, N. W., Washington, D. C., and it reads as follows:

(Letter from Lemuel B. Schofield to Benjamin L. Stilphen, dated October 10, 1941:)

MY DEAR MR. STILPHEN: Reference is made to your interest in the case of Hans William Rohl, whose services are desired by the War Department in connection with defense construction [4374] projects in Honolulu.

Mr. Rohl filed a petition for naturalization in the United States District Court at Los Angeles on March 10, 1941, and a special hearing thereon was held on September 15, 1941.

You are advised that all the facts in the case were presented to the court, and no objection was made to the granting of the petition. After consideration of all the facts, the court entered an order admitting Mr. Rohl to citizenship on September 15, 1941.

Sincerely yours,

(Signed) LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General.
By A. C. DEVANEY,
Chief Examiner, Legal Branch.

The same letter being the same date, of which the copy is here, indicates it went to Brigadier General John J. Kingman, Acting Chief of Engineers, War Department, Washington, D. C.

30. General FRANK. I think it should be stated in the record here that it will be remembered that Mr. Stilphen was a civilian employee of the office of the Chief of the Engineer Corps in the United States Army, to whom was delegated the responsibility for following through on the efforts of the Chief of Engineers, who tried to hasten action on Rohl's citizenship.

31. Major CLAUSEN. I have no further questions.

32. General GRUNERT. Are there any questions by the Board? [4375] Mr. Shoemaker, do you think of anything else you might offer that might be of assistance to the Board?

Mr. SHOEMAKER. No. Of course, I don't know the exact purpose of your inquiry, but I might add that this man was naturalized prior to December 7, or December 10, 1941. Even in those days, we were watching the naturalization of Germans, and yet there were no particular details laid down for our guidance. We watched them because we were essentially Americans, the same as you gentlemen, and tried to forestall any possibilities of subversive influences being used, in any manner, shape, or form. It would be an entirely different proposition today in the naturalization of any alien enemy. Unless a man had filed a declaration of intention to become a citizen at least two years prior to the declaration of war, or he was otherwise eligible to become naturalized, he would have to be excepted from the classification of alien enemy by the Attorney General before he could be naturalized.

I personally handled many of those cases. We make them prove the case. In other words, we don't take for granted anything that they say. I might give you an illustration of that. I had a friend of mine come in not long ago to get a German naturalized. Well, I looked the case over, and I told him that he hadn't sold him to me. "Well," he said, "can I see anyone else?" I said, "Yes, you can see the Commissioner," so he went up and saw the Commissioner; and he did not sell it to the Commissioner. Finally, it went to headquarters at Washington, and they knew of the case, and they rather looked with favor upon this fellow because he had been doing some good work for the United States forces.

[4376] Then I asked the Commissioner what he was going to do. He said, "I am going to ask them whether that is a directive or whether it is a suggestion. If it is merely a suggestion, he is not going to get excepted from the classification of alien enemy," and he was told to use his own judgment, and he was not excepted from the classification of alien enemy.

33. General GRUNERT. Mr. Shoemaker, if you had not received this letter from the office of the Chief of Engineers, what would have been the net results as to the granting of citizenship to this man, Rohl?

Mr. SHOEMAKER. Well, that is of course, after all, surmise, but I should say that he would not have gotten his naturalization as quickly as he did.

34. General GRUNERT. It would have been a question of months in the future, would it not?

Mr. SHOEMAKER. Yes, it would have more than likely been delayed.

35. General GRUNERT. But did this letter from the Chief of Engineers in any way influence you as to the qualification for citizenship of this man, Rohl?

Mr. SHOEMAKER. Absolutely not, except that if an army officer vouches for a man, you naturally are inclined to look with favor upon that man, because you feel that he, as such, will be the first one to stand in his way if he were not bona fide.

36. General GRUNERT. Would this be more so, if you got a letter from the head of one of the governmental departments, in which it was stated that this man's loyalty to the United States is established

beyond question, or words to that effect? Did [4377] that strengthen the letter in any way?

Mr. SHOEMAKER. Yes, I should say it did.

37. General GRUNERT. Are there any other questions?

38. General RUSSELL. After all is said and done, it is a question of the weight that you give the evidence, and evidence from a commissioned officer of the Army is given great weight?

Mr. SHOEMAKER. Unquestionably; yes, sir.

39. General RUSSELL. There is some evidence which has been adduced before the Board to the effect that at this time quite a number of aliens were being naturalized because of the desire for their services in governmental projects. Do you know anything about that situation?

Mr. SHOEMAKER. I knew we had quite a few cases of that kind; yes, sir.

40. General RUSSELL. So the application of Rohl was not one to itself?

Mr. SHOEMAKER. It was not rare and exceptional, because there were other cases of that kind, unquestionably.

41. General RUSSELL. That is all.

42. Colonel TOULMIN. Mr. Shoemaker, can you explain to me why it was that Rohl was admitted to citizenship, in view of the fact that this record, here, contains a letter or memorandum to the District Director, Los Angeles, California, under date of May 28, 1941, signed by Judson F. Shaw, Inspector in Charge of the Los Angeles local office of your organization, accompanied by application for a warrant of arrest, which shows the illegal entry of this alien, Rohl, into this country, and the violation of our statutes on the subject, and, despite that fact, that he was naturalized? I call your attention to this [4378] file, and the official papers in it.

Mr. SHOEMAKER. Well, it would be a question again of weighing the evidence. One man, one inspector, frequently will feel that a man should not be naturalized, and he will make a hard-and-fast conclusion on that. The other man who considers the case in its entirety—let us say for instance, considering that presumably the War Department wanted him naturalized, that he would serve a good purpose, he would serve our interest primarily, might resolve that against the conclusion of Mr. Shaw.

43. Colonel TOULMIN. Then, following General Grunert's thought in his questions to you, the fact that Colonel Wyman interested himself in Rohl's case would have a counterbalancing influence over this recommendation of the inspector, together with the proposed warrant for Rohl's arrest?

Mr. SHOEMAKER. Unquestionably.

44. Colonel TOULMIN. That is all.

45. General GRUNERT. Do you know whether, outside of the letter from the Chief of Engineers, and correspondence from Colonel Wyman, the engineer there was any other influence of any kind used to get citizenship for this man, Rohl?

Mr. SHOEMAKER. I do not know of any other influence than that reflected by the record; and in dealing with that, I notice that the attorney for Rohl, Wyman, and General Kingman, were interested in his naturalization. They are the only three whose names make

any impression on me. There is no one else, so far as I can recall, who did.

I do recall very distinctly, former Assistant Attorney General Galloway, coming in, because I knew him personally.

[4379] 46. General GRUNERT. Is it usual or rather unusual for an applicant for citizenship to have such highfalutin legal personages advocating his citizenship?

47. Major CLAUSEN. In the case there were four lawyers.

Mr. SHOEMAKER. It is unusual; but it happens, on occasions, that certain individuals are interested, maybe for a consideration, in having certain individuals naturalized. Generally speaking, there is no such influence, or attempted influence, used.

48. General GRUNERT. Then it is a question of being willing to pay the fee of a lawyer of repute to assist you in what you are after?

Mr. SHOEMAKER. The fee for naturalization is fixed by the statute at \$25.

49. General GRUNERT. The lawyer's fee?

Mr. SHOEMAKER. The lawyer's fee. However, I rather imagine that some of them have greatly exceeded that amount.

50. General GRUNERT. Are there any other questions?

51. Colonel TOULMIN. I would like to ask Mr. Shoemaker just one more question. It is not necessary to have a lawyer before your Bureau in order to be naturalized, is it?

Mr. SHOEMAKER. Not at all.

52. General FRANK. Therefore, would you not consider a case a suspicious one that had to be supported by four lawyers?

Mr. SHOEMAKER. Not necessarily; no.

53. General GRUNERT. Mr. Shoemaker, your department does not naturalize citizens, it is up to the court, isn't it?

Mr. SHOEMAKER. It is entirely a judicial question.

[4380] 54. General GRUNERT. But the court is influenced a great deal by the reports you make on the applicant, is it not?

Mr. SHOEMAKER. Generally speaking, the court will accept our recommendations; but I may say, now, that the process is entirely different from what it was when this case of Rohl was pending. All of those cases must come to a central office and be determined by us as to what action if any, in the recommendation to the court, will be taken, whether to grant, deny, or continue it.

55. General GRUNERT. Then there was no reason why his case should have come to your attention, except to expedite it, or make it a special case?

Mr. SHOEMAKER. That is correct, sir.

56. Colonel TOULMIN. Just one more question.

Mr. Shoemaker, you have stated that on and after December 10, 1941, the new stringent regulations went into effect about naturalizing a German alien, in which the very severe burden of proof was on the German alien, and the more liberal rule in effect prior to December 10, 1941, had then been abandoned, is that correct?

Mr. SHOEMAKER. Let me make this plain. On January 13, 1941, the present Nationality Code went into effect. That provided, among other things, in section 326, for the naturalization of alien enemies. Now, at that time there were not any alien enemies, and it was only after our—I think it was December 8, 1941—our declaration of war

against Japan; and I think it was December 10 or 11, our declaration of war against Germany, that that became effective.

57. Colonel TOULMIN. Then, if Rohl's naturalization proceed-[4381] ings had been deferred from the date of his naturalization in September 1941, until December, in the event it would take its normal, natural course, he would have run into a condition, due to this new code, which did not exist when he was naturalized?

Mr. SHOEMAKER. Exactly.

58. General GRUNERT. Then, in addition to his probable or alleged need by the engineers for governmental work, could he have known at that time that a more stringent code might be made effective in the event of war?

Mr. SHOEMAKER. Unquestionably, he could have known of it. Whether he did or not, I don't know, but he could have known of it, because the law was on the books.

59. General GRUNERT. And this more stringent code applies only to alien enemies, or to all aliens, now?

Mr. SHOEMAKER. It applies to all aliens, but there is one clause of section 326 which has reference to alien enemies.

60. Colonel TOULMIN. Now, Mr. Shoemaker, the law was on the books in September 1941, was it not?

Mr. SHOEMAKER. That is correct.

61. Colonel TOULMIN. And therefore, everyone being presumed to know the law, Rohl had notice of the fact that if there were war with Germany, that statute would apply, is that right?

Mr. SHOEMAKER. Unquestionably.

62. General GRUNERT. I am getting a liberal education. I want just a little more.

Mr. SHOEMAKER. All right, sir.

63. General GRUNERT. In the event a mistake may have been made in naturalizing an alien and making of him a citizen, how can such things be undone under the law?

[4382] Mr. SHOEMAKER. We have the right to institute cancellation proceedings. We also have the right, where the time limit has not expired, to appeal. Of course, the time limit in this case has expired, but if it be shown that he obtained his citizenship fraudulently or illegally, we can institute proceedings to cancel his papers. Whether we can get them through, in view of some of the opinions of the Supreme Court, recently, is open to question.

64. Colonel TOULMIN. Is there any statute of limitations?

Mr. SHOEMAKER. No statute of limitations applies, and it is what the Supreme Court has said, in effect, is "a presumption running backwards."

65. General GRUNERT. And the burden of proof is on some interested person to bring up the case, is it, or is it taken up by any part of your department, with knowledge of the case?

Mr. SHOEMAKER. The case would be taken up by the United States attorney, more than likely, on our initiative.

66. General GRUNERT. Are there any other questions?

67. Major CLAUSEN. I have one, sir. We have reliable information, based upon reports of the Federal Bureau of Identification, that in addition to the letter which is in the file, from Colonel Wyman, he telephoned to the District Director, or personnel in the office of

the District Director, at Los Angeles, and yet there is no notation in either file that I have seen, to that effect. Would the fact that those calls came in, relating to the applicant, urging naturalization, and that there is no record in the file, be irregular?

Mr. SHOEMAKER. No; unfortunately, they would not be, because some people are not as meticulous in making memoranda [4383] as they should be, some of our officers. It seems if I got anything like that, I would do the same thing that you have seen—make the memorandum, and let the record reflect just what happened.

68. Major CLAUSEN. That is all I have, sir.

69. General GRUNERT. Thank you very much. We appreciate your coming.

(The witness was excused, with the usual admonition.)

(Thereupon, at 4 p. m., the Board, having concluded the hearing of the witnesses for the day, took up the consideration of other business.)

[4384]

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[4385] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

FRIDAY, SEPTEMBER 29, 1944

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 1 p. m., pursuant to recess, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

1. General GRUNERT. The Board will come to order.

TESTIMONY OF SENATOR HOMER FERGUSON, OF MICHIGAN

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

2. Colonel WEST. Senator, will you please state to the Board your name and address.

Senator FERGUSON. My name is Homer Ferguson. I live at 18280 Fairway Drive, Detroit, and I live at the Westchester, in Washington, D. C.

3. General GRUNERT. Senator, in this particular part of our investigation, I am going to ask General Russell to propound the questions, and the Board will interject such as they see fit, at the time.

[4386] 4. General RUSSELL. You are Senator Ferguson, as you have just stated to the Recorder?

Senator FERGUSON. Yes, sir; Senator, of Michigan.

5. General RUSSELL. You have been interested from time to time in the events and incidents leading up to and surrounding the Japanese attack on Pearl Harbor on December 7, 1941?

Senator FERGUSON. I have.

6. General RUSSELL. Senator, the Board, of course, is operating, as you doubtless know, under a joint congressional resolution which directed the Secretary of War and the Secretary of the Navy severally to proceed to the investigation of the incidents at Pearl Harbor, and to institute proceedings against anyone that such investigation might indicate should have proceedings instigated against him.

Senator FERGUSON. I am familiar with that. I, in fact, introduced the resolution in the Senate.

7. General GRUNERT. I think that statement, General Russell, is a little bit too far-fetched.

8. General RUSSELL. Well, let me see it.

9. General GRUNERT. Wait, until I see the order to convene the Board, because I want to make sure the Senator understands just what the Board is about. I have it, right here.

Senator FERGUSON. I might state that I introduced the resolution and was on the subcommittee in the Senate, the Judiciary; but as to your orders, I have just read them, recently.

10. General RUSSELL. I was quoting, not our orders; I was quoting the congressional resolution under which we proceed.

11. Major CLAUSEN. Public 339. Do you want the official [4387] copy of that, sir?

12. General RUSSELL. Yes, sir. That may be rather awkwardly expressed, but it is substantially correct.

Senator FERGUSON. I am familiar with it.

13. General GRUNERT. Well, never mind, I do not think we need that. I thought you were defining what the Board was charged with doing. Will you do that?

14. General RUSSELL. You gentlemen were just one or two steps ahead of me, that is all. I was calling the Senator's attention to the congressional resolution, and I may have worded it clumsily.

Senator FERGUSON. But I am familiar with it.

15. General RUSSELL. Senator, the Secretary of War, pursuant to that resolution, has named a Board, consisting of General Grunert, General Frank, and myself; Colonel West is the Recorder; stating:

This Board of officers is hereby appointed to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on the 7th of December 1941, and to make such recommendations as it may deem proper.

So the legislative joint resolution, together with the order naming the Board, defines our jurisdiction and delimits our investigation. We thought it would be well at the outset to have that understanding.

Senator FERGUSON. Yes; I am familiar with the resolution and the order appointing the Board.

16. General RUSSELL. Now, Senator, we are addressing ourselves specifically to information which has come to the attention of [4388] the Board, relating to a dinner party which the Senator is represented as having attended, and at which party was Sir Owen Dixon, the Australian Minister at Washington.

Senator FERGUSON. Yes, I attended the dinner where he was.

17. General RUSSELL. We have also learned that Mr. Sidney C. Graves and Frank C. Hanighen, of Washington, were present at the same dinner.

Senator FERGUSON. I attended the dinner where those three parties were.

18. General RUSSELL. Particularly, we are interested in a conversation or some remarks which were made by Sir Owen Dixon at that dinner, and which you are represented to us as having overheard. Would you please tell the Board just what occurred?

Senator FERGUSON. I attended the dinner. After the dinner, I had a conversation with Sir Owen Dixon, who was then Minister of Australia, in which he related an incident about Pearl Harbor. I remember it rather well, because it was a rather startling statement for a Minister—that is, in my opinion.

It was to this effect: that he had been a judge in Australia, and that he had gone with a shipping board for the Australian Government, as an official; that, 48 hours before the attack at Pearl Harbor, he had received, and the Board, the people who were with him had received word that Japan was going to strike; that, for the next 24 hours, they did not know where, so they were greatly concerned. At the end of the 24-hour period, which would be 24 hours before they did strike, he then learned that they were going to strike America; and he' [4389] related how he remembered the conversation so well; that when he went into the meeting, he stated, "We have won the war!" And the men in the room were rather surprised at that expression, that Australia had "won the war." They did not know they were in a war; and he says:

I explained to them that they are going to attack America. That means America will come in—and that means we have won the war!

19. General RUSSELL. Was Sir Owen Dixon asked any questions about these remarks, or did they just pass with these statements from him?

Senator FERGUSON. Well, as I remembered the remarks—I did not know the other people had heard it—it was between the time that I was getting my coat out of the closet, and he was getting his, with our wives—that period, and the time we walked out to our cars. His car was waiting at the curb, because I asked him whether we couldn't take him, the rationing of "gas" was pretty short, and I did not know whether he had his car or not; and he said no, he had his car.

20. General RUSSELL. Then the conversation was largely confined to you and Dixon, was it not?

Senator FERGUSON. That's as I had understood it. I hear rumors and I see affidavits that there was another conversation that people heard, either at the table or at the coffee; but I don't recall it. I recall what took place on that conversation.

21. General RUSSELL. And you are definite in your recollection that it took place as you were going to the closet to get your coats?

Senator FERGUSON. Yes.

[4390] 22. General RUSSELL. Or between the closet and the cars, or both?

Senator FERGUSON. Yes—both, I would say. And I wouldn't say that other people were not there getting their coats, because I was intent on listening to this conversation. It was about the time that the extension of time was up, on the first extension of time, as I recall it, of the statute of limitations.

23. General RUSSELL. The conversation, as you remember it, was between you and Dixon?

Senator FERGUSON. Yes.

24. General RUSSELL. And he was addressing his remarks to you, as an individual?

Senator FERGUSON. Yes; that is right; he was.

25. General RUSSELL. And if anybody else heard them?

Senator FERGUSON. I would think they were overheard by the other people. I understood, and he was talking to me.

26. General RUSSELL. Do you remember seeing a Mr. Sidney C. Graves or a Mr. Hanighen, along with you and Sir Owen Dixon, at the time he was talking, or do you know those gentlemen?

Senator FERGUSON. I know them. I knew of them, and I just cannot place them as being there when I heard this conversation.

27. General RUSSELL. It is your impression now, Senator, that no one heard the conversation but you, the conversation about which you have just testified?

Senator FERGUSON. Well, it could have been heard, naturally, by our wives. They were talking. Mrs. Ferguson is very fond of Mrs. Dixon, and they could have been talking about [4391] something else.

28. General RUSSELL. Now, in order that we may clarify this situation and so that the Board might be able to pass on the issue as to whether or not there were one or two conversations, I am going to read you from an affidavit which has come to the attention of the Board. Of course, at this moment, it is hearsay. We hope to have the witness in here. The language of the affidavit is to this effect:

After dinner the Australian minister made the following statement to most of the guests, including myself:

"Early in the war I held a government position which involved knowledge of shipping and naval intelligence. Several days before the Japanese attack on Pearl Harbor I learned from our intelligence service that a Japanese naval force was headed in the direction of Australia and that an alarm should be given. Within a day later Intelligence further informed me that the Japanese naval force was apparently not headed for Australia but was headed for some American islands."

Now, that is the description by another person who was there at the dinner, and the recitation of facts contained in that description in no way fits the description of the conversation which you have just related.

Senator FERGUSON. That is true; and I do not recall that conversation, at all. Mine was as I related, because it impressed me about the part that they had "won the war."

29. General RUSSELL. Do you recall Dixon's saying anything about having transmitted that information to any agency of our [4392] Government?

Senator FERGUSON. No, sir.

30. General RUSSELL. Do you recall any question being directed to Dixon as to whether or not such information was available, and his replying that it would have been available to the American Government, if any request therefor had been made?

Senator FERGUSON. No, I did not. In the small group, after the dinner, we were in a rather large room and in clusters, as it were, drinking coffee, which is the custom here in Washington; and I do not recall in that room hearing about this incident. I have been trying to place it. I heard it, that night, and I cannot place it in that room. I place it from the time we started to get our coats, until we got to the car.

31. General RUSSELL. Now, Senator, in order that we may develop this story which has broken on the Board, very lately, I will say, in the investigation, we made an effort to locate Sir Owen Dixon for the purpose of determining what he knew and calling him before the Board to give us the information. We discovered that he had left Washington when we began our investigation.

In the course of that investigation, we were furnished a certified copy of a statement from Dixon, which has come over to us from the

State Department with this rather impressive seal on it, and I am going to read that statement from Dixon, which was handed me within the last ten minutes. It is from Owen Dixon to the Secretary of State, Mr. Hull. I read:

DEAR MR. SECRETARY: I have just been informed over the telephone by a representative of the press that Congressman Church informed [4393] the House of Representatives this afternoon that he held a sworn statement that on some private occasion I had said that in Australia, forty-eight hours before Pearl Harbour, I knew that a Japanese task force was about to attack somewhere and that a little later I learned that it was about to attack American territory. I at once informed the press, as the fact is, that I had never had any information that any Japanese force was about to attack any territory of the United States or any information that any warlike measures were likely to be taken against the United States and never said so.

I have not yet had an opportunity of seeing the Congressional RECORD or any other report of what actually took place in the House, but I felt that I should not delay acquainting you with the matter.

Yours sincerely,

(S) OWEN DIXON.

The tone of the letter rather indicates that it was not asked for by the Secretary of State but was volunteered and was sent to the Secretary of State.

Prior to the time that I read this letter to you, Senator, had you any information about this denial by Owen Dixon, either from the press or from personal sources, or in any other way?

Senator FERGUSON. I had seen it in the press. I had seen it. A newspaperman had called me up, or came in, and asked me what I had to say about it, and I said I had no comment at that time. I think I put it this way, instead of "no comment," that I didn't care to discuss the merits of the facts in relation to Pearl Harbor at that time.

[4394] 32. General RUSSELL. How long had you known Sir Owen Dixon prior to the night that you attended the dinner party about which you testified?

Senator FERGUSON. I am trying to place as to whether or not that was the first time or the second time that I had met him. If I am not mistaken, that was the first time that I had met him. I had been to his home one time, but that was subsequent; and our wives had met, as I understood, at their home.

33. General RUSSELL. Well, have you had any contacts with him since the evening of this dinner, which, as I recall, was in December 1943?

Senator FERGUSON. Yes, that's right. I was at his home to a cocktail party, where Mr. Curran—I think that's the name of the gentleman, who was an official—that is as I recall it; and then I had an invitation to his home, a few weeks ago, to a cocktail party for his farewell, when he was going away. Now, I may have met him at one other time, and I am trying to place it. I met him with Minister Nash. I have met him at different times, at different functions; just meeting him, not at his functions, but meeting him at different Ministers'.

34. General RUSSELL. Then you would describe your relations with Dixon as more or less social and casual?

Senator FERGUSON. Certainly; social, and just casual.

35. General RUSSELL. In these subsequent meetings that you have described, have you discussed this conversation that you had at the dinner party, relating to the Japanese task force?

[4395] Senator FERGUSON. I never questioned him or asked him any questions in relation to any official duties or anything in relation to Pearl Harbor. My testimony still stands, though, as to my conversation with the Minister, Sir Owen Dixon, notwithstanding that.

36. General RUSSELL. The letter was merely read, Senator, for information, and to show what the Minister said.

Senator FERGUSON. Yes, I understand that; but I had not commented, and I thought I had better still leave the evidence, that it stood just as I stated it, because it is one of those shocking conversations that you remember.

37. General RUSSELL. Senator, the Board has been advised and knows that you have been intensely interested in this subject that we are now investigating. Would you tell us whether or not you have in your possession facts, or leads which we might follow to develop facts, which would help us in the accomplishment of our mission to make a complete report on this disaster?

Senator FERGUSON. Well, what I have, of course, would be, naturally, hearsay; but I am willing, as you put the expression, "leads."

Just recently, probably last Saturday, I made a record for broadcast with a newspaperman, in which he asked me questions, and I, in turn, asked him questions. I had known that he knew, or claimed to know, certain facts. It was covering the proposition of why I wanted the facts to be known in relation to Pearl Harbor. I have been an advocate that the public should know the facts, and he wanted to question me on that for a broadcast that he is going to make; and in that, he made several statements, which I think, now, I should tell you gentlemen.

[4396] One of them was—well, to lead up to it, it is all in the broadcast, so you will be able to get it—that he had had a conversation with the Secretary of State, Mr. Hull, and one with the Under Secretary, Mr. Welles; that they were both greatly impressed, that they felt that it meant war, particularly after the note of the 26th of November; that he had a call from an admiral of a country—I want to get near his words—who is now an ally of ours. He had told me previously it was a Dutch admiral, so I will tell you now, it was a Dutch admiral; that the Dutch admiral had told him about two carriers coming from Japan down to Midway, and was greatly concerned as to where they were going, whether they were going to the Philippines—these were Japanese carriers—to Singapore, or to the Dutch East Indies, or coming to Pearl Harbor; that the Dutch admiral told him that he had been awakened at night, I think it was on the 4th of December, by a British admiral, in Washington—this took place in Washington—and that he wanted him to come over to his room, he couldn't sleep; the British admiral couldn't sleep; and that when he got over there, the British admiral explained his reason for not being able to sleep was, that an attack was imminent, and that he was trying to place in his own mind as to where they were going to attack, and that is why he wanted to discuss it with the Dutch admiral.

They discussed it, and finally came to the conclusion—the British admiral reasoned it out—that Japan could not attack the British or the Philippines or anyone else, other than Pearl Harbor, because if she did she would leave our [4397] fleet at Pearl Harbor to her

flank, so it would be very bad military strategy. He didn't put that in—pardon me—take that out. He didn't use the word "strategy," but it would be bad to allow them to be at a flank.

38. General RUSSELL. Now, Senator, I was making a note, unfortunately. You referred to this broadcast, in which some announcer interviewed you——

Senator FERGUSON. Yes.

39. General RUSSELL. —and in which you interviewed the announcer?

Senator FERGUSON. Yes, sir.

40. General RUSSELL. Could you identify the announcer, and the time and place of the broadcast?

Senator FERGUSON. The broadcast has not yet taken place.

41. General RUSSELL. Oh, it hasn't?

Senator FERGUSON. Just on a record, to be broadcast.. The broadcaster, the interviewer, was Barnet Nover, a writer on the Washington Post.

42. General RUSSELL. And the lead, there, which you consider material to us, is this conversation between these two representatives, one, of the Dutch Government, and one, of the British Government?

Senator FERGUSON. That is right.

43. General RUSSELL. Now, did you get the impression from that that the representative of the British Government was predicating his prognostications on certain facts, or that he was just speculating, based on strategical principles, only?

Senator FERGUSON. I took it that he had the facts, that the carriers, the force, was out to attack, and then his [4398] ultimate decision was, that they had to attack Pearl Harbor, not that they had official news. That is why we wanted to discuss it. He couldn't sleep; and when they got over there and worked it out together, why, they decided that.

44. General RUSSELL. And who had discovered those carriers?

Senator FERGUSON. The conversation is, that the Dutch admiral knew of them.

45. General RUSSELL. The Dutch admiral?

Senator FERGUSON. And the British admiral knew of them, and had called this Dutch admiral to come over, and that he couldn't sleep; he wanted to talk to him; and this was at night, in the night.

46. General RUSSELL. Could you give us the names of these two, the British and the Dutch admirals?

Senator FERGUSON. I did not ask him the names on the record, on the broadcast, and he didn't state them.

47. General GRUNERT. And who gave the information to the news commentator; one of these admirals?

Senator FERGUSON. The Dutch admiral.

48. General FRANK. Did he give the date on which these two carriers were at Midway?

Senator FERGUSON. He states, in the broadcast, because he corrected it. "It was the 3rd—no, Wednesday—the 3rd, yes."

49. General FRANK. Of December?

Senator FERGUSON. Of December 1941.

50. General RUSSELL. Senator, have you other leads that you think we might follow down and discover pertinent evidence?

Senator FERGUSON. No. I assume that you have the [4399] fact of the two boys, which has been publicized a lot, "the two privates," I think the Roberts report calls them.

51. General RUSSELL. The radar operators?

Senator FERGUSON. Yes, noncommissioned. I think you have had those.

52. General RUSSELL. Yes, we have had those people. We know about those.

53. General GRUNERT. Yes. I think, now, we have about 36 volumes of testimony.

Senator FERGUSON. Yes. This one little broadcast—I thought I had better tell you about that, because it will probably be released on the air, and I hadn't any knowledge that that had ever been used by anyone before, and I wanted you to know that that was one thing; and I just drew this conclusion, because I remember my answer on the broadcast, "Why didn't someone waken Kimmel and Short?" That's on the broadcast. When he told this, about this man wakening the other one to come over and discuss it, I just asked him that.

54. General GRUNERT. Do you know whether or not this broadcast shows that the information allegedly possessed by these two admirals was ever taken up with any governmental official here in Washington?

Senator FERGUSON. It does not. This is in the broadcast—that he knew the Secretary of State was keeping close tab with the Army and Navy, because I asked him, then, the question, on the broadcast, whether or not he knew whether or not the Army and Navy, here, were keeping as close tab with the ones out at the outposts.

55. General FRANK. If the two Japanese carriers had been at [4400] Midway, Midway was a United States possession.

Senator FERGUSON. They were coming down toward Midway.

56. General FRANK. Oh, they were coming down toward Midway?

Senator FERGUSON. Yes.

57. General GRUNERT. Presumably from where, did he say?

Senator FERGUSON. From Japan.

58. General GRUNERT. From Japan, or from the mandated islands, or from that vicinity?

Senator FERGUSON. Well, now, did I say Midway, gentlemen?

59. General FRANK. Yes.

Senator FERGUSON. The Marshalls.

60. General FRANK. Oh, the Marshalls?

Senator FERGUSON. I beg your pardon, I misspoke myself.

61. General RUSSELL. Then the testimony, now, would be that these carriers were proceeding down toward the Marshalls?

Senator FERGUSON. Yes; and the difficulty that the Britisher had, at first, and that the Dutch admiral had, was as to which way they would go from there; because I remember looking at my map. I remember looking at my map on the wall, now. It was the Marshalls, on that broadcast. I am glad you spoke about the island again, General Frank.

62. General GRUNERT. If there is anything else that is in your mind, you might mention it, so that the Board can decide whether or not it has covered the particular leads or questions that are now in your mind.

Senator FERGUSON. Yes. There is a lot being said about the message that was sent by commercial cable, that arrived somewhat after the happening at Pearl Harbor, as to what it [4401] was. There are many variations of that, of how we learned about it, here, and how we learned about it, later.

63. General GRUNERT. That has been covered.

Senator FERGUSON. That, I assume, has been covered, in detail. That's about the only incident that impresses me, now, that I would think that you haven't already covered.

64. Major CLAUSEN. Senator, in addition to the lead which you already gave me, which was, Robert Hoffman, on the Pearl Harbor phase—

Senator FERGUSON. Oh, yes! I had talked with you about Robert Hoffman.

65. Major CLAUSEN. On the Pearl Harbor phase. Have you any additional lead on that subject?

Senator FERGUSON. You see, we had a very good man, Robinson, on this Hoffman angle. He is an FBI agent. He works for the Truman Committee, now called the War Defense Committee, and I had considerable information about Hoffman, as I told you, about his knowledge of what took place at Pearl Harbor. He was presumed to know about Pearl Harbor, as well as the investigation that I was making up there at Canol and the Highway.

Of course, at the time, I didn't go into it. Although our committee at times skirted around, preparing, at Pearl Harbor, we have always considered that there was a great amount of waste, and should have been investigated, but we never got around to investigating the work that the Hawaiian company and the other companies did out at Pearl Harbor, and I never talked to Hoffman, personally, as I told you. We subpoenaed him, and he got away.

[4402] 66. General GRUNERT. Senator, that appears to exhaust everything, unless you can think of something additional.

Senator FERGUSON. Well, I do not think of anything, General. If there is anything at all, about it—

67. General GRUNERT. It seems to me a short sort of hearing for a long trip, but we are very much obliged to you.

Senator FERGUSON. No, it is perfectly all right.

68. Colonel WEST. Senator, as these proceedings are confidential, we are cautioning all witnesses not to disclose anything that takes place while here.

Senator FERGUSON. Well, now, does that mean that you assume that my lips are forever closed, as a citizen and as a Senator? I wouldn't want that to happen. I am still a citizen and a Senator, and I expect, as time goes on, to maybe have something to say about Pearl Harbor. I have tried to keep quiet, and I will treat it this way, as to what I testified.

69. Colonel WEST. That is it.

Senator FERGUSON. But I mean I may repeat the same thing somewhere else. I have already repeated the one part of it; but I will not say that "I told them so."

70. General GRUNERT. I think you understand.

Senator FERGUSON. Do we understand each other, gentlemen?

71. General RUSSELL. Yes, we understand it.

72. General GRUNERT. Thank you, very much.

Senator FERGUSON. And I may, either off or on the Senate floor, talk about Pearl Harbor, General. I feel very keenly about Pearl Harbor.

73. General GRUNERT. I expect you to, and I expect others to do the same thing. Thank you very much.

(The witness was excused, with the above admonition.)

[4403] (Thereupon, at 1:40 p. m., the Board took up the consideration of other business.)

AFTERNOON SESSION

(The Board met again at 3 p. m., and continued with the further hearing of witnesses, as follows:)

74. General GRUNERT. The Board will come to order.

This transcript of the telephone conversation I had with Senator Ferguson will be copied into the record, next, following the testimony of Senator Ferguson.

(Transcript of telephone conversation between Lt. Gen. George Grunert and U. S. Senator Homer Ferguson, of Michigan, at 1 p. m., 28 September 1944, follows:)

TRANSCRIPT OF TELEPHONE CONVERSATION

(Lt. Gen. George Grunert, President of the Army Pearl Harbor Board, called United States Senator Homer Ferguson, of Michigan, at the Detroit Golf Club, at 1 p. m., 28 September 1944. The conversation follows:)

75. General GRUNERT. Hello. Senator Ferguson?

Senator FERGUSON. Yes, General. How are you?

76. General GRUNERT. This is General Grunert. I am President of the Army Pearl Harbor Board.

Senator FERGUSON. Yes, General.

77. General GRUNERT. The Board, as you doubtless know, was convened by the Secretary of War, pursuant to an act of Congress.

Senator FERGUSON. Yes; I remember.

78. General GRUNERT. In order that you may fully understand the purport of my message to you, will you be good enough to listen carefully to the following, without interruption?

[4404] Senator FERGUSON. Yes, sir.

79. General GRUNERT. And then we can talk about it, later.

Senator FERGUSON. All right, sir.

80. General GRUNERT. It has come to the attention of the Board that at a dinner party in Washington, 7 December 1943, Sir Owen Dixon, Australian Minister to Washington, is alleged to have said that 72 hours before the attack on Pearl Harbor and while he was in charge of Australian cargo shipping, an intelligence flash warned him that a Japanese task force was at sea and Australia should be prepared for an attack, and further, that 24 hours later he (Dixon) allegedly was informed that the Japanese were not headed for Australia but for an American possession.

You were named as one of those present at that dinner who heard the alleged remarks of Sir Owen Dixon.

The Board is advised that you are very much interested in the attack on the Island of Oahu by Japanese armed forces, and that you are very probably in possession of facts, and leads to facts, which would be very helpful to the Army Pearl Harbor Board in its efforts to develop to the fullest extent the history of the attack.

The Board is now in session, at Washington, and it hopes soon to conclude its hearings. When the taking of evidence has been completed, we will begin the preparation of our report, which we hope to expedite as much as possible,

The reason for my calling you is that we would like very much to have you appear before the Board, in order [4405] that the information which you may have can be made available to us, and may become a part of the record.

Yesterday, a Member of the Board talked with one of your secretaries, and learned that you would not be back in Washington for several weeks. It would be a great favor, and of assistance to the Board, if you would let us fly you back to Washington, so that we might confer with you, and call you as a witness, if such conference indicates the desirability of placing information which you may have in the record.

In order that you may consider this request intelligently, we call your attention to the purposes for which the Army Pearl Harbor Board was appointed. They are:

To ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on 7 December 1941, and, in addition thereto, to consider the phases which related to the Pearl Harbor disaster, of the report of the House Military Affairs Committee, which latter is largely concerned with construction activities prior to the attack. Now, that is the end of what I wanted to say to you, before opening the discussion. Now, we can go ahead and talk.

Senator FERGUSON. Now, when would it suit you to fly me back to Washington?

81. General GRUNERT. Any time. I can get a plane, here, or I can have my plane come from New York tomorrow, or early next week.

[4406] Senator FERGUSON. When do you want to close the testimony? I would like to come down so I could be back here, Monday morning, or Sunday morning.

82. General GRUNERT. Yes.

Senator FERGUSON. You haven't got a plane here, have you?

83. General GRUNERT. No. I have one, in New York. No, I have none at Detroit. How much of a flight is it, do you know?

Senator FERGUSON. It is only about 600 miles.

84. General GRUNERT. Well, how about my sending my plane from New York directly to Detroit?

Senator FERGUSON. Well, that would be fine, and then we could leave tomorrow morning.

85. General GRUNERT. Then you could leave tomorrow morning, and he could take you back, tomorrow afternoon.

Senator FERGUSON. Yes.

86. General GRUNERT. Tomorrow—wait a minute. We have a rehearing of General Marshall, tomorrow, and also, General Short is coming for a rehearing, tomorrow. We could work you in, some time, though. We could work you in, about the noon hour.

Senator FERGUSON. Well, that would be fine. You have your plane pick me up tomorrow morning; then I will come down there, and I will stay as long as you want me to, even though I stay Saturday.

87. General GRUNERT. I do not think, unless you have a great deal more than I anticipate, that that will be necessary.

[4407] Senator FERGUSON. No, I don't think it will take long.

88. General GRUNERT. You see, we are limiting ourselves strictly to the Army phases, and those things that bear directly on such phases.

Senator FERGUSON. Yes; I see. Well, I will be glad to tell you what I know on it.

89. General GRUNERT. And if you think you have information of that sort, why, suppose I telephone my plane in New York.

Senator FERGUSON. Yes.

90. General GRUNERT. Now, just where would it go to, in Detroit?

Senator FERGUSON. I think it had better come to the Detroit airport.

91. General GRUNERT. Detroit airport? That is the municipal airport of Detroit?

Senator FERGUSON. Yes, the municipal airport in Detroit; and they can wire me, care of the Detroit Golf Club.

92. General GRUNERT. Wire you, care of the Detroit Golf Club, to tell you when they will arrive?

Senator FERGUSON. Yes; and I will be there to take the plane.

93. General GRUNERT. And then arrange with you as to what time you wish to depart, tomorrow morning?

Senator FERGUSON. Yes. Well, any time will suit me that will suit them,

94. General GRUNERT. Well, I think it would give you [4408] more time, up there, if we figured on your getting here about noon.

Senator FERGUSON. Well, then, General, have them pick me up some time about eight or nine o'clock.

95. General GRUNERT. I see. All right, sir. Then, when you leave Detroit, the plane can notify me, here, so we can have someone pick you up at the airport and bring you up to us.

Senator FERGUSON. Yes. Thank you, very much.

96. General GRUNERT. All right. Thank you, Senator.

Senator FERGUSON. I will come down, General.

97. General GRUNERT. All right. Thank you.

Senator FERGUSON. Good-bye!

98. General GRUNERT. Good-bye!

(Conversation concluded at 1:10 p. m.)

99. General GRUNERT. I also wish to have copied into the record the announcement I made to all concerned, here, this morning, as to secrecy, as to the information received from the Secretary of War, concerning publicity, also concerning the record.

(The announcement by Lt. Gen. George Grunert, President of the Army Pearl Harbor Board, to all personnel of the Board, assembled in his office at 9 a. m., September 29, 1944, on the subject of secrecy, is as follows:)

100. General GRUNERT. For the information of the Board, I record the following:

On September 27, my Aide, Major Hurt, received a telephone message for me from General North, who was present with the Secretary of War as his advisor, the day he testified before the Board, to the effect that [4409] The Secretary of War had telephoned General North from New York, instructing him to inform me that the Secretary desired that nothing concerning the Board be published or given publicity unless cleared with the Secretary in person.

That, on September 28, I received a telephone call from General Nelson, General Marshall's executive, giving me practically the same information, except that he added that the Secretary wanted the Board's report delivered to him and not be made public, nor copies delivered to anyone other than himself, without his O. K. I informed Nelson that all concerned with any phase of the Board's activities had been cautioned and recautioned a number of times as to avoidance of leaks, and as to any publicity without my express authority. Also, that I took up all matters of publicity with the Deputy Chief of Staff, General McNarney, and that all seekers of information concerning the Board or its activities were referred to him. Also, that when finished, the Board would deliver its report, with all copies, to General McNarney, in person, as he has been the Board's sole contact with the War Department and outside agencies as to publicity. General Nelson said this was O. K. and would be in conformity with the Secretary's wishes.

I then asked him whether that was understood by General McNarney. He replied it was, and that McNarney understood the Secretary's wishes.

As an additional precaution, at 9 a. m., September 29, I had all personnel connected with the Board—Members, [4410] Advisors, reporters, stenographers, administrative assistants, analyzers, compilers, and so forth, together with Colonel Hughes, W. D., authorized Judge Advocate General's Department representative—assembled, and specially cautioned them as to secrecy and avoidance of leaks, threatening them with loss of heads if culpable.

101. General GRUNERT. There is also another thing I want to read into the record, as follows:

(The memorandum referred to, relative to the testimony of Major General Howard C. Davidson, taken in the necessary absence of General Russell and Colonel Toulmin, is as follows:)

102. General GRUNERT. In reference to the testimony of Major General Howard C. Davidson, Commanding Tenth Air Force, Kanjakoha, Assam, recorded on pages 4125-4151, inclusive, Volume 36, General Russell (Member) and Colonel Toulmin (Executive) were absent on official business of the Board during the hearing of this testimony. The Board desires that they carefully peruse the transcript of this witness' testimony.

[4411] **FURTHER TESTIMONY OF MAJOR GENERAL WALTER C. SHORT (ACCOMPANIED BY BRIG. GEN. THOMAS H. GREEN)**

1. Colonel WEST. General Short, the witness, has already previously appeared before the Board. He will not be sworn again, but the witness is reminded he is still under oath.

2. General GRUNERT. General, by order of the Secretary of War, the Board has been furnishing you, through your counsel, a copy of the transcript of the testimony of witnesses who have appeared before it. Is the Board to understand that the purpose of this rehearing you have requested is to discuss matters gleaned by you from such transcripts, or to furnish the Board with new or additional evidence of your own?

General SHORT. With one exception, it will be to rehash the things, certain things, that have come up in reading the testimony, that I wanted to comment on.

3. General GRUNERT. Then it is my understanding that you have a statement on which you may be questioned?

General SHORT. What I would like to do would be to take up each one of these things in turn that appear in certain testimony, some remark or something of that kind, and just make my statement about it.

4. General GRUNERT. Would you rather have us exhaust that particular topic, each time, or wait until you get through?

General SHORT. I think it would be better to exhaust it each time, because I think in most cases there won't be much of anything to exhaust, it will just be corrections.

5. General GRUNERT. I see. Now, if it meets with the approval of the Board, we will have the General go ahead and give his additional testimony, by topics, and then pause to see whether the Board has any questions, at that time; and, [4412] at the end of his testimony, we can proceed to any additional examination we desire. Will that be all right with you, General Short?

General SHORT. Yes, sir. I might say that there may be some of these things that have already been brought out by the Board but that we haven't yet gotten the copy of the proceedings. I think that volume 36 is the last that we have received, so some of it may have been covered that I don't know about.

6. General GRUNERT. I understand; but you go ahead, on the assumption that we have not covered it, and we will see.

General SHORT. There is just one of the things, as I have mentioned, that was new, so I would like to introduce it, first.

7. General GRUNERT. Go ahead.

General SHORT. I have here an affidavit signed by Sidney C. Graves with reference to statements made by the Australian Minister. I am introducing this, with the request that the Board, if practicable, substantiate, or come to a negative conclusion, as to whether this information had been received in the War or Navy Departments. Now, I say, you may have already investigated this, but we have not had the volumes that would pertain to it. Do you wish me to read this?

8. General GRUNERT. Go ahead. Finish your first topic, then we will discuss it.

General SHORT. I will let General Green read it, if you [4413]
You do not mind.

General GREEN. It says:

(The affidavit of Sidney C. Graves, regarding alleged statement of Sir Owen Dixon, is as follows:)

To Whom It May Concern:

On December 7, 1943, I attended a dinner in Washington. Among those present were Sir Owen Dixon, then serving as Australian Minister to the United States on duty here in Washington, Senator Homer Ferguson, Mr. Frank C. Hanighen, 1737 H Street northwest, Washington, D. C., and others whom I do not remember.

After the dinner the Australian Minister stated to myself and the others mentioned above, in substance, as follows:

Shortly after the outbreak of war, in 1939, I left my judgeship to assume control of coastal shipping in Australian waters. About 72 hours before Pearl Harbor, I received a flash warning from my Naval Intelligence that a Japanese Task Force was at sea and Australia should prepare for an attack; 24 hours later this was further confirmed with a later opinion of Intelligence that the Task Force was apparently not aimed at Australian waters and perhaps was directed against some American possessions. Finally, on December 7, 1941, my Intelligence stated,

"We are saved, America is in the War, Pearl Harbor has been bombed."

The Australian Minister was questioned by one of the guests as to whether this information was available to American authority, and he stated in substance that it was if requested.

[4414] I certify that the above is a substance of the statement made by Sir Owen Dixon on the aforesaid date.

/s/ Sidney C. Graves,
/t/ SIDNEY C. GRAVES,
1147 Connecticut Ave. NW.,
Washington 6, D. C.

DISTRICT OF COLUMBIA,
Washington, D. C. ss:

Sworn to before me a Notary Public this 21st day of September, 1944.

(SEAL)

/s/ EDNA W. HERBERT,
Notary Public, D. C.

General SHORT. Now, I would like to say that that information, if received by the War Department or the Navy Department, was never transmitted to me, at Honolulu; that I did not receive anything to correspond to the information given, there.

9. General FRANK. Did you receive anything to the effect that they had information that a Japanese expedition was proceeding south along the China coast?

General SHORT. We had information. That, I think, was through a Navy message.

10. General FRANK. Was it not perfectly possible for that to coincide with this?

General SHORT. It could have been; but the point I am making is that if they furnished information to our War Department, I would like to have it verified, so we would know, not be guessing, what they had, first.

11. General FRANK. If who furnished it?

General SHORT. If the Australian or if our military, [4415] naval, or consular people in Australia furnished information to our Government of this information that the Australians had received, it seems to me it is extremely important that it be verified, because it might be of such a nature that it would have been critical to me if it had been given to me.

12. General GRUNERT. For the information of the witness, the Board has already had the testimony of Mr. Graves and of Senator Ferguson,

and it expects to call Mr. Hanighen; so this matter is being gone into.

General SHORT. Yes, sir.

13. General GRUNERT. Does that end your first topic?

General SHORT. Yes, sir.

14. General GRUNERT. Go ahead.

General SHORT. Now, the next thing I have is simply a mistatement in figures by Colonel Throckmorton, who was G-1. In his appearance before the Board, volume 12, page 1390, General Grunert asked:

What was your particular interest in that message? As G-1?

referring to a message given above.

Colonel Throckmorton answered:

My particular interest was the strength of the Department. Our authorized war garrison at that time, as I remember the figures now—I may be in error one way or another—was 194,000, and we had not approached those figures at that time, that strength.

The actual authorized strength at the time, in June—as late as June—of the war garrison, was 59,425, in place of 194,000. On July 22, the Adjutant General, by endorsement— [4416] and these letters are in the volume that I submitted as an exhibit—reduced the war garrison to 57,249, and then augmented it by 2,441, for Kaneohe Bay, which had never been considered in the strength of the war garrison, making the total authorized strength of 59,690; so you can see there is a very great discrepancy there, between 59,000 and 194,000.

The Board in all probability caught it, but I figured that I should call their attention to it.

15. General GRUNERT. At this particular stage, I suppose the witness, in receiving these transcripts of testimony, knew that they are all stamped "Secret"?

General SHORT. Yes, sir.

16. General GRUNERT. And governed himself accordingly?

General SHORT. Yes, sir.

Now, there is one statement by Admiral Pye that I simply want to call your attention to for emphasis, in volume 9, page 1070. General Frank had just said to Admiral Pye:

Another thing I gathered was that, from your viewpoint, the Navy did not have adequate means to prevent a surprise.

To which Admiral Pye replied:

I believe that to be true, yes. In confirmation of my previous statement that I thought the attitude of the officers of the fleet was just about the same as the attitude of the War and Navy Departments, I happened to be the first person to meet Secretary Knox upon his arrival in the Hawaiian Islands, about the 10th of December, and the first thing he said to me was, "No one in Washington expected such an attack—even Kelly [4417] Turner.

Admiral Pye then explained that Kelly Turner was in the War Plans Division and was the most aggressive-minded of all of them. Now, I think that is an important statement, because I have been trying to make it apparent to the Board that the actions of the War Department, as well as the messages they sent, convinced me that they did not believe in the probability of an air attack on Hawaii. Apparently, that was true throughout the Navy Department, including Secretary Knox, from his own words. He says that nobody was expecting the attack; and I just simply wanted to bring that to the attention of the Board, as a matter of emphasis, because it coincided very definitely

with the idea that I had received from the War Department, by their actions.

Those actions included constant denials of requests for increases in personnel, for money for the improvement of defenses; and things like sending out planes the night before the attack without ammunition—all kinds of things, that really were stronger in their effect than mere words. If you assume that they were acting in good faith, you have to arrive at the conclusion that they undoubtedly were not contemplating an air attack on Honolulu.

A number of questions were asked different witnesses about our not having slit trenches and things of that kind for the protection of women and children on posts, and I am not sure whether they went so far as the proposition of civilians in town; I am inclined to believe they did. I wanted to point out that I wrote a letter. We had a very complete plan. Colonel Lyman, who was an Hawaiian and probably able to get [4418] closer to the civil population than anybody we had, had drawn these plans for evacuation and had worked very close to the civil community in that, and we had drawn a plan for a concentration camp in the mountains close to Scofield for the evacuation of the Army women and children, if they were still there.

This was more or less to be camouflaged as a recreational proposition, ahead of time, and it would also have had the advantage that the families would have known exactly where they were to go to camp, and what they were to do, for we had been operating it as a recreational center for some time before the evacuation came along.

[Copy]

3141 SOUTHWESTERN BOULEVARD,
Dallas, 5, Texas, No. 10, 1944.

Subject: Corrections in testimony.

To: President, Army Pearl Harbor Board.

1. I request that the following corrections be made in my testimony before the Army Pearl Harbor Board:

* * * * *

Page 4418, line 9,—change "for" to "if".

/s/ Walter S. Short,
WALTER C. SHORT,
Major General, U. S. Army, Retired.

I wrote a letter. This plan went in with all the details on the 11th of July. However, on the 7th of June, I had written to General Marshall, personally, and explained to him what we were trying to do, and that the detailed estimates would come along; and on the 11th of July, he answered my letter. June 7 was the date of my letter, and his reply to my personal letter was on the 3rd of July, stating that the funds were needed for things that were more urgent than this evacuation camp.

I just wanted to bring that up to show that we had contemplated the necessity for evacuation, and that we had detailed plane. We tried to get the money through the OCD and the Governor; and Sam King, the Delegate, made a serious effort to get the money for this purpose. We did not succeed.

17. General RUSSELL. General Short, I missed those dates on that correspondence between you and General Marshall.

General SHORT. My personal letter to him was on the 7th of June, and his reply was on July 3. Now, the detailed [4419] esti-

mate, with the plan, the official one that went in—and you have a copy of it in the exhibit of mine—was July 11, I think. I think you will find that. I am sure you will find that in the exhibit under the question of evacuation camp. The detailed plan went in after my letter. I thought I was paving the way by writing him ahead of time and telling him what we were doing, and I hoped that way it would be a little better received when it got there.

When we failed to get the money for evacuation camps, we made detailed plans for evacuation to school buildings that were out of the probable area of bombardment, and had arrangements made for cots and blankets, for running cafeterias, and so forth; and that program was actually put into operation on the 7th of December 1941.

I come now to three things that are all tied in, because they all show a very serious need for me to have access to important communications that apparently were available in the War Department. The first of these concerns a question that was asked by Justice Roberts of Colonel Bicknell, who was the assistant G-2 in Honolulu, known as our "contact officer." He asked him about a code message, and I would like to have General Green read this question. This is out of the Roberts Report.

General GREEN. This is volume No. 3, page 318, an extract of it. The first was:

(The quotation from vol. 3, page 318, of the Roberts Commission's record, regarding a code message, is as follows:)

The CHAIRMAN. Colonel, what do you know about an interception of a message having certain code signal [4420] words that were to be used to signify attack on these islands?

Colonel BICKNELL. That message was turned over to the FBI encoded in a file of papers which were removed from the consulate after the police established a guard at the consulate. The story as related by them is that they smelled papers burning when they went in the consulate on the morning of the 7th.

The CHAIRMAN. Yes?

Colonel BICKNELL. They saw smoke coming from behind a door. They asked the consul if there was a fire, and he said, "No, there is just something in there." They opened the door, which was a double door, and found a wash tub on the floor in which they were burning these documents. The room was full of smoke, and there was just one brown—this bellows type envelope that was full of papers that had not been destroyed. They removed that—I don't think the consul knew that they got it—and brought it down to the FBI, and we turned it over immediately to the Navy Intelligence, inasmuch as Commander Rochefort has the key to some of their codes. Within, I think it was less than 24 hours, Commander Rochefort had broken one of the messages in this file in the consulate, which gave the system by which various lights, star boats, and other systems—

The CHAIRMAN. That is the so-called Kita, k-i-t-a, code?

Colonel BICKNELL. Yes, sir.

I might explain that, from the first question, I read straight through, although those first two questions by the [4421] Chairman and the answers of Colonel Bicknell thereto are not material here.

Continuing:

The CHAIRMAN. I refer to something else which you may or may not know anything about. I refer to the fact that some ten days before December 7 it is supposed that a Japanese code message was intercepted and was broken down by the Department in Washington, one of the military departments, which gave certain key words which would be flashed over the radio directing the attack on Pearl Harbor.

Colonel BICKNELL. Yes.

The CHAIRMAN. And that, having broken that down, one of the military establishments in Washington caught over the radio the three key words and relayed them here to you. When I say "you," to the Islands.

Colonel BICKNELL. Yes.

The CHAIRMAN. Do you know of any such story?

Colonel BICKNELL. I never heard of such a thing; no, sir.

The CHAIRMAN. Never heard of it?

Colonel BICKNELL. No, sir.

General SHORT. I might say that the very fact that the president of that Board had information pertaining to such a message and thought it worth while to bring it up, to see whether we had it, indicates it must have been a message of importance. I know nothing about that message, and I think it is very important that the Board know to what Justice Roberts referred; and I think it is equally important that that be made [4423] available to me, for what it might be worth.

18. General RUSSELL. General, before we go away from that, you are making a request which, if soundly based, might be pertinent. As I have listened to General Green read that part of the record, it indicates there was a search made by Justice Roberts for the existence of a fact, but it was a fruitless search.

General SHORT. No, sir; I do not agree with you. It indicated to me that Roberts knew what it was and was trying to find out whether we did, whether we had gotten it; because there would be no purpose in Justice Roberts asking a question like that, without he had some information.

19. General RUSSELL. You were searching for the basis of Justice Roberts' question?

General SHORT. Of his question; just exactly. That is what I would like to know—what caused Justice Roberts to ask that question. When he found out that we did not know anything about it, he seemed perfectly satisfied to drop it. He did not give any information, and he never brought it up to me.

20. General RUSSELL. I thought I got your point. Your point was not clear.

21. General GRUNERT. Is it my understanding that you are requesting something of the Board, or just requesting the Board to consider these matters?

General SHORT. I am requesting that the Board obtain that message, if it is here in the War Department, so they will know what the information was that was in the hands of the War Department, that should have come to me, and did not.

22. General GRUNERT. All right. You say you had something [4423] else hooked in with that?

General SHORT. Yes, sir; there are two more; than you, General.

Now, General Marshall sent me a message, the one that was received seven hours after the attack. It was sent at 12:18. Just to refresh your memory as to the importance of this message, I will ask General Green to read it.

General GREEN. This is taken from the testimony of General Short.

23. General GRUNERT. May I interject, there. When you have your counsel read anything, he must stick to the text. Inasmuch as he is not a witness, he cannot be permitted to make side remarks regarding that text.

General SHORT. Yes, sir. All I expected him to do is to read it as it is.

24. General GREEN. I understand sir, that I am here as General Shorts' counsel. I have an order to that effect, sir, and, while I do not want to contest it, or anything of the sort, I think I should be permitted a reasonable discretion in making remarks to the Board.

25. General FRANK. Then you should be sworn, if you want to appear.

General GREEN. Not as counsel; not as counsel, sir, I wouldn't think.

25. General FRANK. Then do you want to appear as a witness and as counsel, both?

General GREEN. No, I don't.

General SHORT. I will read it, if that will make any difference.

[4424] 27. General GRUNERT. I do not think there are going to be enough interjections to make any difference. Go ahead.

General GREEN. I quite agree sir.

This is volume No. 4 of the Army Pearl Harbor Board, page 309:

General SHORT. Here is the message.

"(Message of December 7, 1941, to Hawaiian Department, Ft. Shafter, T. H., 'Marshall', is as follows:)

"Japanese are presenting at one p. m. Eastern Standard time today—that would be 5½ hours earlier in Honolulu—what amounts to an ultimatum. Also they are under orders to destroy their code machine immediately STOP Just what significance the hour set may have we do not know but be on alert accordingly STOP Inform naval authorities of this communication."

General SHORT. I am sure that General Marshall had some positive basis for writing that wire, that he had information that had been obtained through breaking down a code or obtaining a message of some kind, and I would like to have the Board have available exactly what was the basis for his writing that message; and I would also like that it be furnished to me, along with the other evidence, because it is perfectly apparent that he would not have written that message without he had something to cause him to write it; and that, it seems to me, would be extremely important to me in justifying my stand, in every way.

28. General GRUNERT. On that subject, I have a question, here, to clear up the testimony:

General Short, in his testimony before the Army [4425] Pearl Harbor Board, declared, in his "conclusions":

"Had the message in regard to the Japanese ultimatum and the burning of their code machines been given me by telephone as an urgent message in the clear, without loss of time for encoding and decoding, and so forth, I, in all probability, would have had approximately two hours in which to make detailed preparations to meet an immediate attack."

The attack, it was brought out, occurred at 7:55. The message was filed at 6:48, a difference of 1 hour and 7 minutes. No. 1 Alert anticipated that pilots would be available within a 4-hour maximum.

Question: How much preparation to meet the attack could have been accomplished within this period of time, although the witness did testify "pursuits actually in air by 8:50, shows did not require 4 hours."

Have you any additional information?

General SHORT. It seems to me that is a complete answer. The fact that we did get planes in the air in 55 minutes indicated that we could have done it, if we had had the information; or at least we could have gotten them dispersed, which would have been of considerable impor-

tance, if that message had been put through so we would have had one hour and seven minutes, if you want to put it that way; but that is not allowing, I do not believe, time for the "uncoding," is it? You see that took some time. I think we would have had a little more than that, and I think that we could have done it just as fast as we actually did do it.

29. General GRUNERT. Then I understand that the additional [4426] time, according to your testimony, could have been used in dispersion of planes and probably getting more of them in the air.

General SHORT. We might have had some in the air already, but probably not—might have had some fighter planes; we could not have gotten bombers, in that time.

30. General GRUNERT. All right. Will you go ahead, unless there are some other questions.

General SHORT. The next thing is in the final part of Admiral Kimmel's testimony. He makes a statement that I would like to have read to the Board, and then I would like to comment on it.

31. General GRUNERT. This is Admiral Kimmel's testimony before this Board?

General SHORT. Admiral Kimmel, before this Board; yes, sir.

General GREEN. This is from volume 16, page 1811, of this Board's proceedings:

Admiral KIMMEL. I have a statement that I would like to make to the Board with regard to the information which was supplied to the two responsible commanders in Hawaii. We thoroughly considered all such information and took the action which we deemed appropriate. There was no disagreement between the Army and Navy, and none between me and my personal advisers.

Since Pearl Harbor information has come to my knowledge that vital information in the hands of the War and Navy Departments was not supplied to responsible officers in Hawaii; in particular, that the War and Navy [4427] Departments knew that Japan had set a deadline of 25 November, later extended to 29 November, for the signing of an agreement, after which they would take hostile steps against the United States; that on 26 November, an ultimatum was delivered to Japan by the United States. This was done notwithstanding a joint recommendation to the President by General Marshall and Admiral Stark that no ultimatum of any kind should be made to Japan. I had been advised of this recommendation and had received no qualification of that information. I had no knowledge of the delivery of the ultimatum to Japan on 26 November 1941. I am further certain that several days prior to 7 December 1941, there was information in the War Department and the Navy Department that Japan would attack the United States and, very probably, that the attack would be directed against the fleet at Pearl Harbor, among other places; that there was information in the War and Navy Departments on 6 December 1941, that the hour of attack was momentarily imminent, and that early on 7 December 1941 the precise time of the attack was known. It was known at least three or probably four hours before the attack. All this information was denied to General Short and to me. I feel that we were entitled to it. I felt then that if such information was available to the War and Navy Department it would be sent to us. Had we not been denied this, many things would have been different. Had we been furnished this information as little as two or three hours before the attack, which was easily feasible and possible, much could have been done.

[4428] General SHORT. I feel that Admiral Kimmel would not have made that statement, unless he had factual data to corroborate it. I haven't had access to that data, and, from reading Admiral Kimmel's testimony, it does not appear that the Board has been furnished with it. I think it is absolutely essential that his factual data be considered by the Board, and that my counsel and I have access to what that was, because that is a tremendously important matter, to

me, just as important to me as it was to Admiral Kimmel, to know what the information was that was denied us.

Inasmuch as I was not given an opportunity before the Board to cross-examine witnesses, I had no opportunity to elicit from Admiral Kimmel the information to which he referred. I have written a letter, as of today, to the Secretary of War, asking that a search be made, that the Board be authorized to, and that my counsel be authorized, to make a search of War Department files for the information which pertained to all three of these; and that, if it is not to be found in the War Department files, that a demand be made on the Navy for the information with reference to these things. Now, I am submitting a copy of the letter that I wrote to the Secretary of War. Do you wish to have that read, General Grunert?

32. General FRANK. General, are you putting the Board in the position of working for you?

General SHORT. I am putting the Board in the position, I hope, where I feel that they should want to consider everything, that this should not be a one-sided investigation; but that here is something that is tremendously important from my point of view. I feel that they ought to be just as much [4429] interested in it as I do, in considering it; and there is nothing in the proceedings that we have had to show that they have had that available.

33. General FRANK. Have you found anything in the proceedings of this Board that has indicated to you that this Board has not tried to conduct an impartial proceeding?

General SHORT. No, I have not; but I found nothing in this Board's proceedings—now, they may have done it; the Board may have had access to everything that Admiral Kimmel has in mind, but I feel that he definitely would not have made that statement without he had data to support it.

If the Board has already considered all this, that's what I am after, as far as the Board is concerned. On the other hand, if they have considered it, and it has been off the record, these things, so I have not had access to them, then I hope my letter to the Secretary of War will cause them to be made available to me. I do not know what the Board has had, off the record. They may have had everything I am asking for.

I do not think your statement is a fair one, that I am trying to have the Board work for me. I am really just hopeful that they will get everything before the Board that is necessary for a complete understanding of the case.

34. General FRANK. That is just what they have been endeavoring to do.

General SHORT. Well, I hope they have succeeded, 100%; and as I say, some of the stuff, you may have seen it all, may have discussed it all, off the record; but I don't get what you discuss off the record, and that is one of my reasons for [4430] writing this letter to the Secretary of War, hoping that that would be made available to me; but it seems to me that I have a perfect right to know the basis for things of that kind.

35. General GRUNERT. Will you continue with your statement.

General SHORT. Now, that is all the three things covered, in that. Do you wish that letter to the Secretary read, or shall I just introduce it?

36. General RUSSELL. Let me get clear on that. General Short, that is a letter which you have written to the Secretary of War?

General SHORT. I have written to the Secretary of War.

37. General RUSSELL. You are enquiring of the Secretary of War?

General SHORT. I am doing more than enquiring; I am asking him, because I did not know whether the Board would feel that they could make that available to me, if they had it.

38. General RUSSELL. May I read that letter.

(The letter was handed to General Russell.)

39. General GRUNERT. Is there anything in that letter, that you have not mentioned in your testimony, here?

General SHORT. No, sir. Maybe the last paragraph might be a little more complete on the "why" of this, although I think I covered that, too.

40. General GRUNERT. It appears to me, and I think I speak for the Board, to be a matter between you and the War Department. If you have given in your testimony all the facts that you wish to have considered by the Board. I see no need in adding to the volume of its record by including your letter to the Secretary of War.

General SHORT. I would like to have it appear as a matter of record that I informed the Board that I had made this [4431] request.

41. General RUSSELL. I do not believe that the purport of this letter is clearly understood. I did not understand it, until I read it. I think it is a two-pronged affair. General Short wants us to call on the Secretary of War to make available to this Board the information that they have, and also, to make it available to him, or his counsel.

General SHORT. To me or my counsel.

42. General RUSSELL. That is the purpose of the letter. It is two-fold. I make this suggestion. General Short has tendered this letter for admission into the records of this Board. I do not think the Board has thought through on it; I have not, as a Member of the Board. We have not considered its implications, and I think that we should have time to consider it, before we reach a final conclusion as to whether we shall incorporate it in the record, or not.

43. General GRUNERT. All right. The Board will take a recess for five minutes. The room will be cleared.

(Brief recess.)

44. General GRUNERT. The Board will come to order.

General, you have informed the Board that you have given to it such testimony as you desire, which is included in this letter, except simply the last paragraph. If you desire to give the Board the gist of what is in the last paragraph, they will be glad to hear it; otherwise, the Board considers this matter is one between you and the War Department.

General SHORT. I would like to make a little statement, there. I offered this to the Board, as a matter of courtesy. I feel that it would not be courteous for me to write to the [4432] Secretary and ask him to do this, and not inform the Board that I had made the request; and of course I knew that they would get the request from him, but I felt that it was a matter of courtesy to furnish the Board with a copy of it, if they desired.

45. General GRUNERT. Thank you for the courtesy. We understand it.

General SHORT. When I look at that, I believe I did cover that last paragraph. Let me look at it again. Yes; I think I did. I explained that I was asking for this largely because I had not had a chance to—

46. General GRUNERT. All right; go on with your next topic.

General SHORT. Now, the next topic that I am going to mention may be entirely unnecessary. I received volume 36 and read it just before coming in here. The last of it was General Gerow's testimony. Now, you may have had him back in for further testimony, but in the testimony that appeared in the volume that I received, it failed to bring out that, after asking or telling me to "report action taken," there was nothing in his testimony to indicate that he and his section failed to follow up and to know that I had reported action taken.

In his testimony before the Roberts Commission he admitted that he had failed to follow up and that his division had failed to follow up, and that he did not know that I had reported the action taken at that time, an alert for sabotage. Now, as I say, the Board may have brought that out in further testimony, but my knowledge of his testimony ends with volume 36. There is an indication there that he was to come before the Board later in the afternoon, but I wanted to emphasize [4433] that, because I considered it a very important thing in his testimony before the Roberts Commission.

Now, the last thing that I have. Colonel Powell, in his testimony before the Board, indicated that there was a shortage of supplies for the radar, such as vacuum tubes, and so forth, and although I had not observed in reading his testimony anything to indicate that that matter had come up before the budget committee, I have here a memorandum signed by Powell, that probably can be verified before the hearings of the budget committee; I am not sure; but I would like to present it.

47. General FRANK. Of what budget committee?

General SHORT. The War Department budget committee, in October 1941. This is a memorandum, signed by C. A. Powell, Colonel, Signal Corps, Signal Officer:

1. I learned of the following information, and thought it might be of interest to General Short:

"Supplemental estimates for funds, submitted to the Budget Advisory Committee in October, with which to procure sufficient vacuum tubes to permit operation of A. W. equipment on a basis of 24 hours daily, were reduced to permit operation only two hours daily, five days a week, with the statement that the Signal Corps was carrying air-warning plans to extremes, that the United States was not threatened with attack, and plans should include provisions for defense only. Other items covering funds to provide stocks of material for immediate use in connection with task forces, such as radio equipment of suitable type and power to maintain reliable communication between task forces and GHQ were drastically reduced with [4434] the statement that funds had been provided with which to purchase communication equipment for an army of 4,000,000 men. Explanation that TBO equipment was unsuited to communication over distances up to a thousand miles or more and that suitable equipment required from four to eight months to procure was not accepted as sufficient justification."

/s/ C. A. POWELL,
Colonel, Signal Corps,
Signal Officer.

Sources: Lt. Col. H. S. Paddock, Signal Officer, 27th Division, Hilo, Hawaii, T. H., who appeared before the Budget Committee.

/s/ W. C. P.

Now, I haven't had an opportunity to verify that from Colonel Paddock. I am just putting it in for what it is worth.

48. General GRUNERT. Does that complete your statement?

General SHORT. Gentlemen, that is all that has come up as a result of going over the testimony that we have had, relatively hurriedly, because some of it we got yesterday afternoon, and some of it we got this morning; and there may be—I haven't had a chance to go over in detail my own testimony—there may be some clerical errors in that. I put that off, because I knew, in effect, what was in there. If I should find clerical errors in there, I would like to have the opportunity just to make a report of that.

49. General GRUNERT. The Board will be glad to receive a statement from you as to any such errors, which statement will [4435] be appended to the record of your testimony.

General SHORT. Yes, sir. I would not expect to find many, because most of the testimony that I have read has been very well taken.

50. General GRUNERT. Do you desire to answer any questions that the Board may have on other subjects than those that you brought up, this afternoon?

General SHORT. I would be very glad to.

51. General GRUNERT. Has the Board any such questions? While the other Members of the Board are thinking about it, I have just a few, here, to clear up some possible discrepancies in the record, and also, or possibly more correctly, between testimony of the Roberts Commission and testimony before this Board, or some facts that may have been testified to in the Roberts Commission's hearings that were not covered by the Board, or your statement before the Board.

There is one, here, regarding newspaper allegations of drunkenness on the part of General Officers, on Saturday night, preceding the attack. Is there any basis in fact for such allegation?

General SHORT. There is absolutely no basis, I am sure. I never heard—

52. General GRUNERT. What knowledge did you have of what the general officers of your command were doing that night?

General SHORT. General Murray, I think, and maybe one or two others—I have kind of forgotten—I was on a party, at a dinner party, up at Scofield, that was being given as an Army relief proposition, with cabaret at the Club. I think General Murray was on that party, and I am not sure, General Wilson [4436] may have been. I think probably a great many of the general officers of the Department were there that night. I think that the Air Corps people were having some kind of party, so I would not expect the Air Corps officers to have been there; I do not know. I do not know that as far as the three Air Corps generals, Martin and Rudolph and Davidson, it just happens that no one of them ever took a drink.

53. General GRUNERT. May I broaden that question a little, to include all personnel at the party that you attended?

General SHORT. I did not see anybody with any indication of too much liquor.

54. General GRUNERT. Now, as to the reconnaissance directed by the War Department in its message of November 27. You appear to have had 39 bombers in commission. Why were only six of these capable of long-distance reconnaissance? Although all in commission

might not have been long-distance planes, could they not have been used for shorter distances, if they were not long-distance reconnaissance planes?

In view of your directive and your knowledge the Navy was not performing the long-distance reconnaissance, should you not have made such reconnaissance as your available means permitted?

General SHORT. There was nothing in the War Department message to indicate that they intended to abrogate the agreement that the Navy was responsible for long-distance reconnaissance. Any analysis would have indicated to me that the man who wrote the message was entirely unfamiliar with the fact. In spite of the fact that the Chief of Staff had approved that plan, that provided for that, whoever wrote the message was [4437] not familiar with it, or it had slipped his mind that it was the Navy and not the Army that was responsible.

55. General GRUNERT. I want to get your interpretation of that particular part of the message that referred to reconnaissance. This is the particular phrase that I am referring to:

Prior to hostile Japanese action COMMA you are directed to undertake such reconnaissance and other measures as you deem necessary.

How did you interpret that particular phrase?

General SHORT. I interpreted that as an absolute lack of familiarity with the Hawaiian defense agreement between the Army and Navy, that laid down responsibility for the long-distance reconnaissance that they had. Whoever signed that, and whoever wrote it, was not as familiar as he should have been with the defense plan.

56. General GRUNERT. Let me take another phase of it. Did you interpret that to give you the authority of deciding the necessity for such reconnaissance?

General SHORT. I did not. I think if they had wanted, because the Navy had an absolute right to call on me for every plane that I had, under that agreement, there wasn't any question about it, I would have had to turn over every long-distance plane that I had to them; and I think if the War Department had intended to abrogate that agreement, they would have told me so.

57. General GRUNERT. Then you base everything on the responsibility of the Navy for long-distance reconnaissance, under your agreement?

General SHORT. Definitely; and it had been approved by [4438] the Chief of Staff and by the Chief of Naval Operations.

58. General GRUNERT. Even though you knew that such long-distance reconnaissance was not being made?

General SHORT. I knew a lot of long-distance reconnaissance was being made. Now, it was reconnaissance from a task force, but it covered a strip 600 miles wide. Now, the fact that it was basically for the protection of that task force did not mean they would shut their eyes and refuse to see something that was going to pass by the task force. It was just as truly reconnaissance as if they had gone out there by themselves.

59. General GRUNERT. Those were the only two things that I had.

Another question, on that particular phase: Did you understand by the word "reconnaissance" that that included the reconnaissance by radar as well as by other means?

General SHORT. I would have considered that it did. It is a form of reconnaissance, but I do not believe it is a generally accepted use of the word.

60. General GRUNERT. Are there any other questions by the Board, or by the advisers or counselors to the Board?

61. General RUSSELL. No, I have no questions.

62. General GRUNERT. You might clear up two additional points. First, we will take up the point that you have brought out, there, that the War Department had evidently overlooked the agreement that your command had with the Navy, as to distant reconnaissance. Did you call the War Department's attention to the fact, when you were ordered to make reconnaissance, about that agreement?

General SHORT. I did not, but I reported to them exactly [4439] what I was doing.

63. General GRUNERT. Then you considered your report the answer to that?

General SHORT. They called on me for a report. If they had not called on me for a report, I think the situation would have been quite different; but they definitely told me to "report action taken," which I did; and I heard nothing further from them.

64. General GRUNERT. We have had testimony before the Board, from a member of the Navy, calling the Board's attention to the fact that this Joint Hawaiian Coastal Frontier Defense Plan was not operative until an emergency arose, and apparently the emergency, or the imminency of such an emergency, was not agreed to, locally, to make the provisions operative. With that understanding, was it the Navy's business to conduct long-distance reconnaissance, prior to such an emergency?

General SHORT. If the emergency existed, it was their business; if it did not exist, there was no necessity.

65. General GRUNERT. Then, when do you judge the emergency came about?

General SHORT. It very definitely came about, at 7:55 on the morning of the 7th.

66. General GRUNERT. Then you did not expect any long-distance reconnaissance prior to that, as a matter of following out the plan?

General SHORT. Not necessarily. That would have been a question for the Navy. As I say, there was considerable going on, because there were two task forces out, and a carrier out.

67. General GRUNERT. Did it ever occur to you, of any [4440] necessity of a local agreement, to put parts of that plan into effect as was provided for in the plan?

General SHORT. We would have put it into effect without any hesitation, Admiral Kimmel and I, if we had believed that there was any probability of an attack.

68. General GRUNERT. Then, in your judgment, there was no emergency?

General SHORT. There was no probability of an air attack, in my judgment, at that time. I was wrong, but that was what I felt, and what Admiral Kimmel felt.

69. General GRUNERT. You are fully aware of that plan, without looking at it?

General SHORT. Yes; definitely, that is true.

70. General GRUNERT. Then any statements I made about the plan were familiar to you?

General SHORT. Yes, and I think I might say that would be true of any war plan, that it would only become operative when the conditions made it necessary. You make a plan in time of peace, to operate when it is necessary.

71. General GRUNERT. Are there any other questions?

72. General RUSSELL. Yes. I do not think that that experience has been developed from this angle. I think it has been developed by the Navy people. Now, General Short, as I recall, the initial plan placed upon the Army the burden of reconnaissance, long-distance and in-shore, is that true?

General SHORT. I think that was true, up to '39 or '40. I think that had been changed before I got out there. I think perhaps General Herron was the one that got that changed, and then we wrote it into a definite plan, on March 21, 1941. I [4441] think it was actually operating when I got there.

73. General RUSSELL. I think there is testimony before the Board to the effect that the Navy agreed to take over the distant reconnaissance, because they had in that Patrol Wing 2 some PBVs, and the Army did not have any aerial equipment for long-distance reconnaissance, for which reason the Navy assumed it.

General SHORT. Well but we signed a definite agreement, on March 21, 1941, but I think it had been actually operating that way before I got out there; but we signed the agreement, Admiral Bloch and I, and it was sent over to Washington and approved by the Chief of Staff and the Chief of Naval Operations; so there is no question about it meeting the approval of the War Department.

74. General GRUNERT. But the nubbin of the whole thing appears to me that nobody is going to do anything until the emergency arises.

General SHORT. Until they feel that it is essential. Now, if we had made a different estimate of the situation, that an air attack was probable, undoubtedly we would have had it; they would have been calling on me for every plane, and they would have had the most complete reconnaissance they could have made.

75. General RUSSELL. Do you not think that that message of November 27, 1941, which directed you to take "such reconnaissance and other measures" as you deemed necessary, while vesting in you a discretion as to reconnaissance and defensive measures, did indicate to you a belief on the part of the War Department that reconnaissance at that time was necessary?

[4442] General SHORT. Well, it indicated to me, as I said before, that whoever wrote that message was not familiar with the fact that the Navy had assumed the full responsibility for that long-distance reconnaissance, because I am sure that if the Army, the War Department, had intended to abrogate an agreement with the Navy, they would have done so in a more formal way than by telling a subordinate to go ahead and do something different.

76. General RUSSELL. Now, you had the burden of in-shore reconnaissance at that time, the close-in reconnaissance?

General SHORT. That is right.

77. General RUSSELL. And, whatever the papers had said, they had sent out to you certain radar equipment to install and operate?

General SHORT. Yes.

78. General RUSSELL. And those radars, whether they were technically reconnaissance agents or not, were actually there and they could have been employed to gather information of incoming aircraft?

General SHORT. They were operating, as you know, from 4 to 7, on my orders.

79. General RUSSELL. There is a little discrepancy in the testimony on that. I might say the testimony is diametrically opposed. As I recall your testimony, General, you said that they were operating from 4 to 7:30, at one time.

General SHORT. No—4 to 7.

80. General RUSSELL. 4 to 7, because you regarded dawn as the danger period. At another time, they were operating largely for training, because you did not expect an emergency?

General SHORT. That is true, but it was the time I thought we should train, at the hours that eventually would be [4443] the most dangerous, that they should get into the work during that period, because that to my mind was the danger period.

81. General RUSSELL. We had other evidence to the effect that the radars were operated for limited periods during the day, because of the shortage of spare parts.

General SHORT. That is true. Now, they went ahead and trained, on their own, more or less, and, you might say, by relief, because they did not have enough tubes to work 24 hours a day, and there would be a certain number of sets in operation from 7 till 11, and then a certain number, from 1 to 4, and that was up to the signal officer. I did not prescribe what they would be. I think he did prescribe just exactly what sets would work in those periods.

82. General RUSSELL. That is all I have.

General SHORT. If there wasn't an emergency, then there would not be any necessity for the radar.

83. Major CLAUSEN. The question is this, General. You answered a question of General Russell's, that whoever wrote the message of November 27, calling on you to make reconnaissance, wrongly assumed that that was your responsibility.

General SHORT. That is my exact opinion.

84. Major CLAUSEN. All right. Now, you assumed it was the responsibility of the Navy, under that Joint Hawaiian Defense Plan?

General SHORT. It was not a question of assumption; it was definitely laid down.

85. Major CLAUSEN. In the Joint Hawaiian Defense Plan?

General SHORT. Yes.

86. Major CLAUSEN. Didn't that say it was not to become [4444] operative unless there was an emergency? Isn't that correct?

General SHORT. Well, that would become operative any time we thought there was an emergency.

87. Major CLAUSEN. Well, isn't that correct—in emergency?

General SHORT. In an emergency, it would become, without any question; you put it in; it would just go in automatically.

88. Major CLAUSEN. Then, did it not appear to you, sir, when you received a wire from the War Department, at Washington, calling upon you for action that was to be taken under the Joint Hawaiian Defense Plan in the event of an emergency, that there was then an emergency?

General SHORT. Then, if it were, it was the Navy's job.

89. Major CLAUSEN. What did it appear to you?

General SHORT. I am taking not only the message, I am taking all the actions of the War Department; because sometimes actions are much more important than just plain words. When they sent out planes the night before, without any ammunition, wholly incapable of defending themselves, as late as 10 o'clock the night before, that indicated to me the War Department did not believe there was an air attack, and, undoubtedly, no one. I didn't believe there was a probability of an air attack, and Kimmel didn't, or there would have been entirely different action.

90. Major CLAUSEN. Yes, but this wire contained part of a whole; the part of the whole was reconnaissance, which you said—

General SHORT. Do you think the words are as important as their actions in sending planes right into the area without any ability to fight?

[4445] 91. Major CLAUSEN. My question is whether, when you got that wire, you did not reason that it was the Navy's responsibility to conduct reconnaissance, under a war plan which was then operative.

General SHORT. I figured that if the War Department had thought—if you read the whole message, there is nothing to indicate that they thought there was an air attack imminent. I think today that if they had believed there was an air attack imminent, they would have said so. I don't see any reason why they shouldn't say so.

92. General GRUNERT. We will have no arguments. If there are other questions to be asked, and answers to be given, let it so be; but there is no use arguing, one way or another.

Are there any further questions?

Is there anything else that you think of, that you would like to state to the Board?

General SHORT. No, sir; there is nothing else.

Will the Board want me to appear before them any further, or not?

93. General GRUNERT. I do not think so. There is nothing that the Board knows of, now.

General SHORT. Will it be satisfactory if I leave town, Sunday afternoon, then?

94. General GRUNERT. Any time, from now on.

General SHORT. Thank you.

(The witness was excused, with the usual admonition.)

[4446] 95. General GRUNERT. At this point in the Board's proceedings I think it would be well to read into the record the application of the last witness, Maj. Gen. Walter C. Short, to the Adjutant General, requesting a copy of the testimony given before the Board, together with a reference to the Board of that request; the Board's first endorsement, and the Adjutant General's action thereon, on the

original request. We make it of record by copying it into the record. Is that the desire of the Board?

There is no need of my reading it. You are all familiar with it. We will have it copied into the record of the Board.

It appears here that the request made contains the first endorsement by the War Department granting that request, but, separately, there was an informal action sheet sent to the Board, and the first endorsement on that action sheet shows the Board's reaction thereto; so there appear to be two "first endorsements," both the first endorsement to the letter itself by the Adjutant General, and the first endorsement to the informal reference of the letter to the Board; so I will leave that to the Recorder to straighten that out.

96. Colonel WEST. I will get that in the record properly.

(The request by Major General Walter C. Short for a copy of testimony given before the Board, together with the endorsements, action sheets, etc., in relation thereto, is as follows:)

(Stamped:) CONFIDENTIAL

WAR DEPARTMENT,
ROOM 1844, MUNITIONS BUILDING,
Washington, 11 August 1944.

[447] Subject: Request for Copy of Testimony Given Before the Board of Officers.

To: The Adjutant General of the Army.

1. On appearing this morning before the special Board of Officers holding a hearing in connection with the investigation of the facts surrounding the attack on Pearl Harbor on December 7, 1941, I requested to be furnished with a copy of my testimony before the Board as soon as practicable and likewise requested that I be provided with a copy of all of the testimony taken by the Board before the Board proceedings are concluded. I made these requests for the purpose of examining and reviewing the same so that if any supplementary or explanatory statements were desirable I might have the further opportunity of presenting them in order that the said Board might have the full advantage of my intimate knowledge of the facts as they existed at that time. The Chairman of the Board stated that my requests were of such a nature that they should be decided by the War Department and suggested that I make direct application concerning the same.

2. Accordingly, I request that as soon as practicable I be furnished with a copy of my testimony before the Board. I request also that immediately I be furnished a copy of the testimony taken to date by the Board and that hereafter I be furnished with a copy of the remainder of the testimony from day to day as it is taken. I also request access to all of the exhibits from time to time. The Board appears to have three reporters for the purpose [448] of expediting the transcribing of the testimony and I believe approval of my requests would present no administrative difficulty.

3. In order to expedite matters, I request that these copies be given to Brigadier General T. H. Green, 2056 Munitions Building, who will forward same to me wherever I happen to be.

/s/ Walter C. Short,
/t/ WALTER C. SHORT,
Major General, U. S. Army.

(Stamped:) CONFIDENTIAL

(In red pencil:) 201-Short, W. C.

(S: 21 Aug 44)
EHB/ACK/ab

WAR DEPARTMENT

SERVICES OF SUPPLY

Office of The Adjutant General

File No. AGPO-M 201 Short, Walter C.

14 August 4

(11 Aug 44) URGENT

INFORMAL ACTION SHEET

Subject: Request for Copy of Testimony Given before the Board of Officers.
From: Officers Branch AGO Rm 2446, Munitions Bldg., 78978 Phone.
To: The President, Army Pearl Harbor Board 4743 Munitions.

Col. West
(Attn)

For remark.

/s/ DANA E. SMITH,
Major A. G. D.
(for) E. H. BURGER, Col, AGD,
Chief, Officers Branch.

1 Incl.

Ltr. 11 Aug 44.

[4449]

1st Ind.

GG/dw

HEADQUARTERS ARMY PEARL HARBOR BOARD,

Rm 4743, Munitions Building, Washington, D. C., 15 August 1944.

To: The Adjutant General.

As to General Short's requests, the following is recommended:

a. That his request to be furnished with a copy of his testimony before the Board be granted.

b. That his request that he immediately be furnished a copy of the testimony taken to date by the Board and that hereafter he be furnished with a copy of the remainder of the testimony from day to day as it is taken, be denied.

The Board does not believe it wise to grant these requests because of the danger of publicity, the granting to one witness what is denied to others, and the possible jumping to conclusions as to the Board's report before all evidence has been received, sifted and conclusions thereon reached. However, the Board has no objection to having General Short or his advisor, General Green, at the Board's headquarters peruse and study the record of testimony taken now and when the Board returns to Washington prior to a rehearing of General Short.

(Stamped:) CONFIDENTIAL.

(over)

(reverse side)

c. That the request that General Short or his advisor, General Green, have access to all of the exhibits from time to time be granted. However, this access must be at the Board's headquarters and said exhibits must remain [4450] with the Board.

For the Board:

GEORGE GRUNERT,
Lt. Gen., U. S. Army,
President.

1 Incl.

n/c (1 cc w/d)

(Stamped:) CONFIDENTIAL
AGPO-M-F 201 Short, Walter C.
(11 Aug. 44)

1st Ind.

ACK/ab/2446

WD, AGO, *Washington 25, D. C., 24 August 1944.*

Thru: Brigadier General T. H. Green, Rm. 2056, Munitions Bldg., Washington 25, D. C.

To: Major General Walter C. Short, U. S. Army, Retired.

The request of Major General Walter C. Short, U. S. Army, Retired, to be furnished with a copy of the testimony taken to date by the Army Pearl Harbor Board, less exhibits, and that hereafter he be furnished with a copy of the remainder of the testimony from day to day as it is taken, is approved.

By order of the Secretary of War:

/s/ J. A. Ulio,
/t/ J. A. ULIO,
Major General,
The Adjutant General.

Copy for, Army Pearl Harbor Board, Rm. 4743, Munitions Bldg., Washington 25, D. C.

(Stamped and initialed:) Off. Br. /s/ ACK /t/ ACK-78978

(Stamped:) CONFIDENTIAL.

[4451] (Thereupon, at 4:15 p. m., the Board took up the consideration of other business, having concluded the hearing of witnesses for the day.)

[4452]

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¹ Pages referred to are represented by italic figures enclosed by brackets and indicate pages of original transcript of proceedings.

[4453] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

SATURDAY, SEPTEMBER 30, 1944

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 9 a. m., pursuant to recess on yesterday, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF CAPTAIN WILLIAM A. EARLY KING, 0314546

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Captain, will you please state to the Board your name, rank, organization, and station.

Captain KING. Yes. William A. Early King, serial number 0314546; last assignment was to Civil Affairs Training School, University of Chicago. There were orders issued because of physical condition, I believe, transferring me to the Judge Advocate General's Reserve Corps, Fort Columbus, Ohio, which station I have not reported to. I am at present a patient, though, on sick leave from Gardiner General Hospital, Chicago, Illinois, sir.

[4454] 2. General GRUNERT. Captain, in this special part of our investigation, General Frank, assisted by Major Clausen, will propound the questions, and the Board will interject any that it sees fit.

3. Major CLAUSEN. Captain King, you just met me a few minutes before the Board assembled, this morning, and indicated to me certain facts. Let me ask you this; if you were ever assigned to the Hawaiian Islands, and, if so, during what period, sir?

Captain KING. I was assigned to the Hawaiian Islands, on orders from the Adjutant General; arrived there about the 28th or 29th of April.

4. General FRANK. What year?

Captain KING. Of 1942, sir. Assigned to the Judge Advocate General's Department, station, Fort Shafter, and entered on duty there, about May 12, 1942, sir.

5. Major CLAUSEN. During the course of your service, there, Captain, did you have occasion to render an opinion concerning the affairs of Colonel Theodore Wyman, Jr.?

Captain KING. Not only Colonel Wyman, but Colonel Wyman and Colonel Lyman. It was a legal question, sir, and it involved probably both of them, sir.

6. Major CLAUSEN. And you recommended, did you that the question of charges against Colonel Theodore Wyman, Jr., be seriously considered?

Captain KING. I don't know whether it was Colonel Lyman [4455] or Wyman. I prefer, sir, to let the copy of the opinion, sir, speak for itself.

7. Major CLAUSEN. The subject of your opinion was derelictions, was it, of the district engineer, concerning property accountability?

Captain KING. District engineer or department engineer; I so classified it at that time, sir.

8. Major CLAUSEN. Well, if you will, refer to your opinion, here. I am going to refer to these, later.

Captain KING. Yes, sir.

9. Major CLAUSEN. Just in brief, did your opinion conclude that there had been serious derelictions of the district engineer, so far as property accountability was concerned?

Captain KING. Yes, sir.

10. Major CLAUSEN. And did that condition of lack of conformance with directives exist for some time prior to 7 December 1941?

Captain KING. From the facts given to me, sir, the examination of the papers, it was my opinion it did. I based my opinion on the correspondence which I was shown by the Inspector General, and the investigations which he had made, and the action which he attempted to take, prior to December 7, 1941.

11. Major CLAUSEN. When you rendered this adverse opinion, did some trouble arise in connection with yourself?

Captain KING. Well, frankly, sir, I was not very popular. I cannot put my finger on any exact evidence, but it was such that within a few days after the opinion was given the Inspector General, that I asked for a transfer.

12. Major CLAUSEN. The Inspector General at that time was who, [4456] sir?

Captain KING. The Inspector was Colonel Lathe Row.

13. Major CLAUSEN. And did you also speak with other members of the Inspector General's Department concerning it?

Captain KING. Yes, sir. I spoke mostly, or largely, with Colonel Millard Pierson, sir.

14. Major CLAUSEN. Was this matter thoroughly discussed with Colonel Pierson?

Captain KING. Yes, sir.

15. Major CLAUSEN. On various occasions?

Captain KING. Yes, sir.

16. Major CLAUSEN. I show you, Captain, a memorandum for Colonel Jones, a document consisting of five pages, and I show you a document consisting of two pages, which is entitled, "Conclusions," which two documents you handed me just before the hearing, this morning. I have not had an opportunity of reviewing those in detail, so would you indicate to me just what those documents are?

Captain KING. Yes, sir. The paper of five pages, listed "Memorandum for Colonel Jones," was the copy of my opinion to Colonel

Jones, given in response to a question from the Inspector General, and supporting my conclusions. A copy of that was later given to the Inspector General, and I believe it is in his files in the Hawaiian Department or Central Pacific Area, whichever it is, now. It was the old Hawaiian Department, at that time, sir.

17. Major CLAUSEN. Does the Board desire the witness to read that document? It may be informative.

18. General GRUNERT. I would like to know what is in it.

[4457] 19. Major CLAUSEN. All right.

Would you read that, please, Captain.

Captain KING (reading):

(The memorandum by Captain King, for Colonel Jones, is as follows:)

Memo. for Col. Jones:

Re accountability of District and Department Engineer in connection with cost-plus-fixed-fee contracts:

1. FACTS:

1. The District Engineer, prior to February 28, 1942, the importance of which date will be mentioned later, under the Chief of Engineers had charge of river and harbor work and construction work, and was not under the control of the Hawaiian Department, but reported to the Division Engineer and was controlled by him under the direction of the Chief of Engineers.

2. As early as November 18, 1941, drafts were prepared by the Inspector General's Department of criticism of the District Engineer's office, in reference to maintenance of property accounts. Those inspections and these criticisms were directed at conditions then existing or found approximately ten days previous to the date of the Inspector General's written report, so that it may be seen at the outset the vice existed prior to December 7, 1941. These drafts are attached to this memorandum and marked "1".

Sir, I do not have any of those exhibits with this opinion, sir. They are all in the Inspector General's Department.

3. On December 13, 1941 and on December 30, 1941, [4458] there was issued by the Finance Department two letters dealing with the subject of property accountability. Letter of December 13, 1941 mentions Par. 522 of FM 100-10. Notwithstanding the fact that formal accountability requirements are modified in certain respects, there is nothing in the Field Manual which dispenses with formal accountability for construction activities, nor is there anything in regulations or the circular letter dispensing with formal accounting activities in reference to construction. Also, attention is directed to paragraph 522, Field Manual 100-10, which is set out in letter of December 13, 1941, that commanders are charged in theatres of operations, where formal accounting is dispensed with, with "insuring" that there is no misuse of supplies or equipment. It is my opinion that even though formal proper accountability was dispensed with at this point, such directive did not apply to the district engineer, who then exercised construction functions, and he should not have dispensed with formal accountability.

These letters of December 30th and 13th are in the file of the Inspector General. They are called to your attention and marked "2".

It is, therefore, my opinion that the telegram of January 3, 1942, of Colonel Wyman, then District Engineer, was improper.

The policy of the Chief of Engineers is mentioned in letter of January 5, 1942, in theatres of operation, marked "3".

4. Under date of February 17, 1942, there was [4459] issued Circular letter No. 1222, which had for its subject matter the accounting of property in connection with military construction activities under the Chief of Engineers. Copy of that letter is attached to this memorandum and marked "4". This letter describes the method of accounting of construction activities. Paragraph 1 excludes from the accounting "excluding repair and maintenance or other work under the jurisdiction of the Corps Area Commanders." It must be taken to mean that the "other work" under the jurisdiction of the Corps Area Commanders is rather in the nature of maintenance or repair work and the accounting procedure for major construction jobs must follow the directive of a letter. It is

significant that a number of pages of this letter deal with setting up of safeguards so that contractors will not misuse government equipment and not be charged for it. Assuming, without conceding, that the phrase "other work under jurisdiction of Corps Area Commanders" means all construction contracts and not merely minor jobs in the nature of maintenance or extension work, the directive of this letter must be followed because the jurisdiction of the construction work was not under the supervision of the Department Commander on February 17, 1942, but under the supervision of the District Engineer.

5. Under date of February 28, 1942, the Department Commander, General Emmons, did take jurisdiction of all construction activities and all work done by the District Engineer except that dealing with river and harbor functions, so up until this date at least the District Engineer had to be governed by Circular Letter [4460] No. 1222. Copy of letter of February 28, 1942, attached to this memorandum and marked "5". Your attention is directed to paragraph "g" of this letter, concerning turnover of supplies and equipment. Your attention is also directed to paragraph "j", so far as reports, records and documents are concerned, directing that they be continued to be kept in accordance with the regulations of the District Engineer and submitted to the Chief of Engineers. This letter was issued by order of the Secretary of War. Assuming, without conceding, that accountability for property and supplies could have been dispensed with and had been dispensed with previously, it would have to be reestablished in order to comply with the directive of the Secretary of War so far as construction projects were concerned.

6. An inspection was made about March 4, 1942, and report made about March 14, 1942, copy of which report is annexed hereto and marked "6", where the matter of property control was given stress. As a result of such inspection, a directive of the Commanding General who initialed the buck sheet, directed that the property accounting system be reestablished. Copy of buck sheet with General Emmons' initials, and I have seen the original, is attached and marked "7". Copy of directive issued by the Adjutant is with accompanying papers and marked "8". It is significant that this letter is dated April 26, 1942. Reply to this letter is by 1st Indorsement, 18 days wherein Col. Lyman says it isn't being done, and says doing it constitutes a hardship, and says in effect, I will wait until after the war to obey the order."

[4461] II. DISCUSSION: It is significant that the criticisms of the Inspector General occurred before December 7, and that no inventory was being carried to protect the interests of the Government. It is true certain forms were not received, but the findings of the Inspector General are to the effect that even though the forms were not received, some proper inventory should have been kept.

When the facts mentioned above occurred, Colonel Wyman went back to the mainland and ceased to be District Engineer about March 15, 1942, or about the same time the letter was written transferring control of construction activities to the Department, was in charge of construction. Colonel Lyman—on March 1, 1942—as Department Engineer, took over the construction functions as a department function. He also became district engineer, supervising harbor and river activities.

Colonel Lyman mentions in his various memorandums that a tally-out method is used. This is not in accordance with the regulations nor directives of the Chief of Engineers and does not protect the interests of the Government. Its weakness is that a tally-out method does not legally charge the contractor as a responsible person for the supplies and materials given to him. It also supplies no method of accounting for what is turned in and what the contractor is relieved of. From a standpoint of legal proof, in the event of litigation between the contractor and the government, the tally-out method as a charge against the contractor would be doubtful, if any value at all, and the interests of the government would be seriously handicapped. [4462]

From the facts obtained from the Inspector, in spite of the directions of the letter of February 28, 1942, Colonel Lyman failed to take any inventory when he took over construction functions. His reply to the order of the commanding General, April 26, 1942, after a period of 18 days, is an admission of failure to obey or even attempt to obey the order.

It is my opinion that the proposed 3rd Indorsement of the Inspector General is a mild one under the circumstances, and should be concurred in; and that consideration be given as to whether or not charges should be preferred against this officer at some later date.

20. Major CLAUSEN. Now, the other document, consisting of these two pages, is merely a confirmation of your preceding document, isn't that correct?

Captain KING. Yes, sir. This was written in the office. I think Colonel Pierson got a copy of it, either formally or informally, but I know it was written in connection with that one. That one, he got; I think he saw this; and he may actually have this one, sir, my recollection is, assuming, without conceding.

21. General FRANK. Wait a minute.

22. Major CLAUSEN. You don't have to read that, as long as it is just the same. Now, as I understand that, you gave these documents to Colonel Pierson.

Captain KING. The first document was turned over to Colonel Pierson, I am sure.

23. Major CLAUSEN. You gave it to him?

[4463] Captain KING. Colonel Jones turned it over, very likely in my presence, and I know that he had a copy of that one, sir.

24. Major CLAUSEN. Did Colonel Pierson evidence this unpopularity towards you, after you had done that?

Captain KING. No, sir. My friendship with Colonel Pierson remained very closely, and as an indication of that, I would like to call to your attention, sir, a letter written by Colonel Pierson to the now General Weir of the Judge Advocate General's Department.

25. Major CLAUSEN. The fact is, as I gathered from your memorandum, you were merely finding legally that the recommendations of General Emmons were sustainable, isn't that correct?

Captain KING. Yes, sir; that is, that he had a legal basis to issue an order.

26. Major CLAUSEN. In other words, this is what happened: General Emmons wanted property accountability invoked with regard to the district engineer's office?

Captain KING. Yes, sir.

27. Major CLAUSEN. And you said it should be done, because it is the law?

Captain KING. Yes, sir.

28. Major CLAUSEN. All right. I have nothing further, except, if the Board desires, the witness has two letters of commendation, one from Colonel Pierson, and one from General Gibson. As I understand it, after you requested a transfer, when this unpopularity occurred, you were then assigned to a division commanded by General Gibson?

Captain KING. I was assigned to the Hawaiian Service Command, and on the Island of Oahu, and General Gibson later [4464] became district commander, and I was his judge advocate for that island, and his provost judge, returning to this country because of illness.

29. General GRUNERT. Are there any questions? Colonel Toulmin?

30. Colonel TOULMIN. None, with me.

31. General GRUNERT. Do you think of anything else that you might tell the Board, which may be of value to it in coming to the conclusions on this matter?

Captain KING. Sir, the full amplification of this letter, and a lot more details than I know of, some of which I have informally discussed

as background, not specifically, on this point, or in connection with Colonel Pierson, but I think, where I know one fact, he knows a thousand, sir, and also in the possession of Colonel Row.

32. General GRUNERT. The Board has had both of those officers as witnesses, and your testimony is just piecing out, so I think we have considerable testimony from both of them.

Captain KING. Yes, sir.

33. General GRUNERT. Unless there is something special that you think of that you wish to call the Board's attention to.

Captain KING. No, sir. The only thing was, that after this opinion was written, I asked for a transfer from the Judge Advocate General's office in Fort Shafter, and, after some bickering back and forth, it was granted.

34. General GRUNERT. All right, sir, thank you very much for coming.

(The witness was excused, with the usual admonition.)

[4465] 35. General RUSSELL. I introduce in evidence a proposed letter sent by the Army Pearl Harbor Board to the War Department with the request that the War Department transmit that proposed letter or a similar letter to the Secretary of State.

(The letter sent by the Army Pearl Harbor Board to the War Department, with proposed letter to be sent to the Secretary of State, dated August 23, 1944, is as follows:)

(Stamped:) CONFIDENTIAL HDR/ngv

HEADQUARTERS ARMY PEARL HARBOR BOARD,
Munitions Building, 23 August 1944.

Memorandum for the Deputy Chief of Staff:

Subject: Proposed letter to the Secretary of State.

1. Enclosed is a copy of a proposed letter to the Secretary of State. Its contents are self-explanatory.

2. It is requested that you ask the Secretary of War to dispatch a letter to the Secretary of State embodying the substance of the proposed letter.

For the Board:

/t/ GEORGE GRUNERT,
Lieutenant General, U. S. Army,
President.

1 Incl.

Proposed ltr (in dup)

(stamped:) CONFIDENTIAL

(The enclosure:)

(Stamped:) CONFIDENTIAL

[4466] (Proposed letter to Secretary of State:)

The Honorable, The SECRETARY OF STATE.

DEAR MR. SECRETARY: The Board named by the War Department to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on December 7, 1941, has called and heard the testimony of many witnesses. In the course of the examination of these witnesses the State Department has been referred to occasionally.

When the proper agencies have been asked what efforts were made to discover Japanese activities in the Mandated Islands they have replied uniformly that such efforts were made from time to time but were unsuccessful because the permission of Japan to visit the islands could not be obtained. Further, they have inferred that the State Department had a policy which required that requests for visits of Americans to the Mandated Islands, including the use of ports in the islands by elements of the Navy, could only be made after the consent of Japan had been obtained. Such requests under this policy were made by

the interested military and naval agencies through the State Department. It would be helpful to the Board if you would have your records searched and furnish the Board with a memorandum setting forth the existence of any policy or policies regulating or in any way bearing upon this subject. Similarly, it would be helpful if you would furnish to the Board what your records may disclose on applications made by the State Department during the period 1940-1941,

[4467] inclusive, to the Japanese Government for permission of Americans, including

(stamped:) CONFIDENTIAL

(next page:) (stamped:) CONFIDENTIAL

elements of the armed forces, to visit points in the Mandated Islands.

In the messages sent to the responsible Army and Navy Commanders in Hawaii there are cautions against taking provocative action against the Japanese, alarming the public, and in one message the statement is made that in event of hostilities the United States desires that Japan commit the first overt act. Some of the witnesses have testified that these restrictions were placed in the message because of our National Policy over which the armed forces had no control. There is testimony to the fact that the instructions relating to the "overt act" resulted from the expressed wishes of the President of the United States.

In its full consideration of the factors responsible for the Pearl Harbor disaster the Board would appreciate the State Department's views on this latter matter touching the influencing of military directives by the national policy.

Immediate consideration of the requests contained herein and an early reply is urged so that the Board may consider same in its future deliberations.

(stamped:) CONFIDENTIAL

[4468] 36. General RUSSELL. I also introduce in evidence a letter from the Secretary of State, in reply to the above proposed letter, which is dated September 23, 1944.

(The letter by the Secretary of State to the Secretary of War, dated September 23, 1944, is as follows:)

(Stamped:) RECEIVED

WAR DEPARTMENT,
SECRETARY'S OFFICE.
1944 SEPT 25 PM 3:58.

DEPARTMENT OF STATE,
Washington, September 23, 1944.

In reply refer to FE

CONFIDENTIAL

My dear Mr. SECRETARY: The receipt is acknowledged by the War Department's letter of August 26, 1944, in which there is requested the assistance of this Department in obtaining for the board named by the War Department to ascertain and report the facts relating to the Japanese attack on Pearl Harbor on December 7, 1941, certain data of record and an expression of the Department's views on certain aspects of the effect of national policy upon military directives prior to the attack under reference.

With regard to the question of visits by American nationals and American vessels to the Japanese Mandated Islands as a means of obtaining information on Japanese activities there, the facts are as follows:

Japan was given under a League of Nations mandate [4469] full power to administer the Mandated Islands as an integral part of Japan and to apply Japanese laws in the islands. The United States had expressly agreed in a treaty with Japan of February 11, 1922, to administration by Japan of the islands pursuant to the League mandate. Among the Japanese laws the operation of which was extended to include the Mandated Islands was that which stipulated that all ports and harbors shall be closed to foreign vessels except those that were specifically opened to foreign trade. The opened ports in the Mandated Islands were Saipan, Palau, Angaur, Truk, Ponape, and Jaluit.

Article II (3) of the Treaty with Japan of February 11, 1922, regarding the Mandated Islands, provided that: "Existing treaties between the United States and Japan shall be applicable to the mandated islands." Article IV of the

Treaty of Commerce and Navigation concluded between the United States and Japan on February 21, 1911, contained the following

The Honorable HENRY L. STIMSON,
Secretary of War.

(Page:)

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provision: "The citizens or subjects of each of the Contracting Parties, equally with the citizens or subjects of the most favored nation, shall have liberty freely to come with their ships and cargoes to all places, ports and rivers in the territories of the other which are or may be opened to foreign commerce, subject always to the laws [4470] of the country to which they thus come."

By an exchange of notes which took place concurrently with the signing of the treaty with Japan of February 11, 1922, regarding the Mandated Islands, Japan assured the United States that "the usual comity will be extended to nationals and vessels of the United States in visiting the harbors and waters of those islands." The term "usual comity" in its application to visits by the nationals and vessels of other countries means the courtesy which is normally accorded by a country to the nationals and vessels of other countries.

The matter of visits to the Mandated Islands by American nationals or private American vessels, just as visits in general by American nationals and American private vessels to ports and places elsewhere in the world, did not call for a procedure involving requests through diplomatic channels by this Government to the Japanese Government and would not therefore have come within the cognizance of the Department of State, except in cases where, because of a refusal of the Japanese Government to permit such visits, this Government had taken diplomatic action at the instance of the American parties at interest. No record has been found in the Department's files of any application having been made by the Department to the Japanese Government for permission for American nationals or American private vessels to visit the Mandated Islands during the years 1940-1941, the years concerning which you made inquiry. According to information made available to the Department in 1940, an officer attached to the [4471] office of the Naval Attaché in Tokyo inquired in August 1939 at the ticket office of the Nippon Yusen Kaisha Steamship Company with regard to possibilities of making a trip to the Mandated Islands and was informed that all reservations for passages were filled for a period of three months. His subsequent efforts to obtain passage were frustrated by dilatory tactics on the part of the Japanese. No request for diplomatic assistance was made in that instance.

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The policy of this Government in regard to visits to the Mandated Islands by public vessels of the United States was in accord with the general practice under international law. The law on this subject is stated in Hackworth's Digest of International Law, Volume II (1941), pages 408-409, as follows:

"The vessels of war of a foreign state, when under the command of responsible officers of and in the service of that state, are granted immunities from the jurisdiction of another friendly state in the ports, harbors, or roadsteads of the latter. They are organs or instrumentalities of the foreign state and when on friendly missions to ports open to them in another state are accorded immunity from the local jurisdiction of a character analogous to that accorded the foreign sovereign. This does not mean that a ship of war may freely enter the ports of a foreign state wholly in disregard of the wishes of that state or of regulations established by it for the entry and departure [4472] of such vessels. The practice generally observed in these respects is for the state whose vessel expects to make a call, to ascertain in advance whether such call would be agreeable to the state to be visited and for the vessel to make the visit only after a favorable response has been received. This customary procedure does not of course apply to a ship of war that is driven into a port or the territory of a foreign state by reason of stress of weather or unseaworthiness."

The procedure followed by this Government in asking permission from the Japanese Government for visits by public vessels to Japanese ports or ports in Japanese mandated areas was in accord with the procedure followed by this Government in requesting permission for visits by its public vessels to the ports of other countries.

No record has been found of any requests in 1940 and 1941 by the War or Navy Department to this Department that there be taken up with the Japanese Government proposals for visits to the Mandated Islands or of this Government's having approached the Japanese Government during those years in regard to visits to the Mandated Islands. In

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previous years the Navy Department at various times asked this Department to obtain permission for certain United States naval vessels to visit certain specified opened and unopened ports in the Mandated Islands. The Department of State promptly made representations to the Japanese Government requesting the necessary permission. With regard to applications made prior to 1936 the Japanese [4473] Government indicated its readiness to permit American public vessels to visit the opened ports but not the unopened ports named in the lists submitted by the Navy Department. The Navy Department, however, canceled the proposed visits to the opened ports for which permission to visit had been granted. In the approaches made by this Government in 1936 and in 1937, the Japanese Government, on grounds of inconvenience, withheld its permission for United States public vessels to visit the opened ports as well as the unopened ports of the Mandated Islands.

In view of the fact that the Japanese Government in 1936 refused in actual practice to permit visits to the opened ports as well as to the unopened ports in the Mandated Islands and in view also of the fact that with the termination in 1936 of the Treaty Limiting Naval Armament, signed at Washington in 1922, this Government became free to fortify the Aleutian Islands, this Government decided to adopt a more restrictive policy with regard to the admission of Japanese war or other public vessels to the Aleutians and to Alaska. After 1936 visits by Japanese public vessels were permitted only to Dutch Harbor, also known as Unalaska, and, on two occasions, to the Pribiloff Islands which the Japanese were permitted to visit because of special circumstances arising out of the Convention of 1911 for the Preservation and Protection of Fur Seals. Subsequent to 1936 permission was withheld for all visits by Japanese public vessels to the territorial waters of the western Aleutian Islands.

With regard to your request for an expression of [4474] the Department's views touching upon the influence of foreign policy upon military directives, it was not the policy of this Government to take provocative action against any country or to cause Japan to commit an act of war against the United States. At the same time, with reference to the testimony mentioned in your letter, there was nothing in this Government's foreign policy which imposed restrictions upon the taking of essential measures of national defense. As regards the statement mentioned in

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your letter that in the event of hostilities the United States desired that Japan commit the first overt act, nothing has been found in the Department's records bearing upon this point nor did this point arise in any discussion at which I was present or of which I have knowledge.

With regard to the lines along which this Government's foreign policy with respect to Japan was directed in 1941, a detailed record is given in Chapter XIV of Peace and War (a publication issued by the Department in 1943), and on pages 325-386 of Volume II of Foreign Relations of the United States-Japan, 1931-1941.

If I can be of any further assistance to you in regard to the subject of your inquiry, I shall be glad to be informed of your desire.

Sincerely yours,

/s/ CORDELL HULL.

[4475] 37. General RUSSELL. I introduce into evidence the proposed letter, prepared by the Army Pearl Harbor Board, under date of 4 September 1944, which was submitted to the War Department with a request from the Army Pearl Harbor Board that a letter similar to the proposed letter be sent to the Secretary of State.

(The letter from the Army Pearl Harbor Board to the War Department, dated 4 September 1944, submitting a proposed letter to the Secretary of State, is as follows:)

(Stamped:) SECRET

WAR DEPARTMENT,
Washington, 4 September 1944.

Memorandum to: Deputy Chief of Staff, Pentagon Building, Washington, D. C.
Subject: Proposed Letter to the Secretary of State.

1. Developments in the investigation now being conducted by the War Department Board relating to the attack by Japanese on December 7, 1941, have convinced the Board that it should call Ambassador Grew as a witness.

2. A proposed letter to be sent by the Secretary of War to the Secretary of State is inclosed.

3. The Board realizes that it would have been better had all requests on the Secretary of State been made at one time and in one letter. It is impossible, however, to anticipate all developments.

/t/ GEORGE GRUNERT,
Lt. General, USA,
President of the Board

1 incl: Proposed ltr to Sec'y of State.

(Stamped:) SECRET

[4476] (The enclosure:)

(Stamped:) SECRET.

WAR DEPARTMENT,
Washington, 4 September 1944.

The Honorable The SECRETARY OF STATE,
Washington, D. C.

DEAR MR. SECRETARY: Members of the Board, which has been directed by the War Department to ascertain and report the facts relating to the attack made by the Japanese armed forces upon the Territory of Hawaii on December 7, 1941, have read parts of the book, "Ten Years in Japan," written by former Ambassador Joseph C. Grew. The Board may desire to place certain facts set forth in the book in its record. For that purpose Ambassador Grew may be requested to appear as a witness by the Board after its return to Washington, on or about the 23rd day of September. It would be appreciated if you would call this to Ambassador Grew's attention and make him available as a witness.

Testimony has been adduced in which it is alleged that on the 26th of November, 1941, an ultimatum was delivered to Japan by the United States and that this was done notwithstanding a joint recommendation to the President by General Marshall and Admiral Stark that no ultimatum of any kind should be made to Japan. This evidence is to the further effect that responsible officers in Hawaii were [4477] not advised of the delivery of the ultimatum. The Board requests that the Secretary of State inform it, either in writing or by oral testimony, as to the truth or falsity of these statements about the delivery of the November 26th ultimatum.

The Secretary of State is advised that the Board has before it, and has considered, the memorandum of the Secretary of State to the Japanese Ambassador in Washington, dated November 26, 1941, and appearing on page 810 et seq. of the book, "War and Peace—United States Foreign Policy, 1931-1941," recently published by the State Department.

In replying to a request made by the Roberts Commission, the Secretary of State sent a letter to that Commission, in which he discussed the information which he had given the Secretary of War and other representatives of the War Department, touching the relations between the Japanese Empire and the American Government, in that period covered by the letter. The original letter is in the files of the Navy Department at Washington and has been made available to this Board. It would be helpful if the Secretary of State would advise whether or not he now considers that letter a complete statement of all of the information transmitted to the War Department by the State Department during the described period.

During the year 1941 were any requests made by the State Department on the War Department or the Navy Department respecting the employment or location of our armed forces? If such request or requests were made, the Board would like to be informed of their nature.

(Stamped:) SECRET.

[4478] 38. General RUSSELL. I introduce into evidence a letter dated September 28, 1944, from the Secretary of State, in reply to the proposed letter of 4 September 1944.

(The letter from the Secretary of State to the Secretary of War, dated September 28, 1944, is as follows:)

(Stamped:)

RECEIVED

WAR DEPARTMENT

SECRETARY'S OFFICE

1944 Sep 28 PM 12: 23

In reply refer to FE
SECRET

SEPTEMBER 28, 1944.

MY DEAR MR. SECRETARY: The receipt is acknowledged of the War Department's letter of September 14, 1944, in which it is requested that there be brought to Mr. Grew's attention the fact that he may be requested to appear as a witness before the Board which has been directed by the War Department to ascertain and report the facts relating to the Japanese attack upon Hawaii on December 7, 1941. The Board also requests that the Secretary of State furnish certain specified information.

In accordance with the War Department's request, Mr. Grew has been informed that the Board may desire his presence as a witness and he has indicated that he will be prepared to place himself at the Board's disposal in this matter.

With regard to the allegation that on November 26, 1941, an ultimatum was delivered to Japan by the United States and that this was done notwithstanding a joint recommendation to the President by General Marshall and [4479] Admiral Stark that no ultimatum of any kind should be made to Japan, the facts are as follows:

On November 20, 1941, the Japanese representatives presented to me a proposal the text of which will be found on pages 755-756 of the Foreign Relations of the United States-Japan, 1931-1941, Volume II, and also on pages 801-802 of Peace and War. That proposal called for supplying by the United States to Japan of as much oil as Japan might require, suspension by the United States of freezing measures, discontinuance by the United States of aid to China, and "cooperation" between the United States and Japan "with a view to securing the acquisition of those goods and commodities which

The Honorable HENRY L. STIMSON,
Secretary of War.

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the two countries need in Netherlands East Indies." It contained a provision that Japan for her part would shift her armed forces from southern Indochina to northern Indochina, but placed no limit on the number of armed forces which Japan might send to Indochina and made no provision for withdrawal of the said forces until after either the restoration of peace between Japan and China or the establishment of an "equitable" peace in the Pacific area. It contained no provision for reversion by Japan to peaceful courses. While there was a provision against further extension of Japan's armed forces into southeastern [4480] Asia and the southern Pacific (except Indochina), there was no similar provision which would have prevented continued or fresh Japanese aggressive activities in any of the regions of Asia lying to the north of Indochina—for example, China and the Soviet Union.

The Japanese spokesmen at once began pressing for an early reply. At the same time Japan's armed forces were advancing into new positions in areas adjacent to the Philippines, the Netherlands East Indies, Malaya and Thailand.

The serious possibilities of the situation became a matter of common discussion in high official circles both civilian and military of this Government. On November 25, at a meeting of the War Council at which the highest officers of the Army and Navy were present, I reviewed the situation and I indicated that the question of our national defense from that point on should be especially the concern of the Army and the Navy.

Although hope of reaching an acceptable solution of issues with the Japanese Government had practically vanished, on the principle that no effort should be spared to test and exhaust every method of peaceful settlement, and in the belief that, if the tragedy of an attack by Japan should eventuate, the people of this country would wish to know what this Government had been willing to discuss with Japan as a basis for an agreement which might be expected effectively to preserve and foster peace in the Pacific and in the Far East, I communicated on November 26 to the Japanese spokesmen—who were urgently calling for a reply to their proposals of November 20—what became [4481] the last of this Government's counter-proposals.

This Government's communication of November 26 above referred to is the document mentioned in the third paragraph of the War Department's letter wherein it is stated that the Board has before it and has considered the memorandum of the Secretary of State to the Japanese Ambassador in Washington, dated November 26, 1941. It will be noted

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that in that document it is stated, with reference to the Japanese proposal of November 20, that "The Government of the United States believes that the adoption of such proposals would not be likely to contribute to the ultimate objectives of ensuring peace under law, order and justice in the Pacific area, and it suggests that further effort be made to resolve our divergences of views in regard to the practical application of the fundamental principles already mentioned." It will be noted also that the paragraph immediately following that passage reads as follows:

"With this object in view the Government of the United States offers for the consideration of the Japanese Government a plan of a broad but simple settlement covering the entire Pacific area as one practical exemplification of a program which this Government envisages as something to be worked out during our further conversations."

It will thus be seen that the document under reference did not constitute in any sense an ultimatum. Furthermore, the document contained a restatement of principles which have long been basic in this country's foreign policy, [4482] and the practical application of those principles to the situation in the Far East suggested in the document was along lines which had been under discussion with the Japanese representatives in the course of the informal exploratory conversations during the months preceding delivery of the document in question.

A comprehensive account of the circumstances surrounding the making of the Japanese proposal of November 20 and of the American proposal of November 26 is contained on pages 366-375 of Volume II of Foreign Relations of the United States-Japan, 1931-1941.

In the War Department's letter, also, a request is made that I state whether I consider that the letter which I sent on December 30, 1941, to Justice Roberts, Chairman of the Commission to Investigate the Facts and Circumstances Connected with the Japanese Attack on Pearl Harbor on December 7, 1941, contains a complete statement of all the information transmitted to the War Department by the Department of State during the period to which my letter of December 30, 1941, relates. As stated in that letter, which was in response to a request for information in brief and summary form, during the year 1941, I had many conferences with the Secretary of War and at intervals conferences with

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the Chief of Staff and officers of his staff, and at those conferences I sought a full interchange of information and views relating to critical situations all over the world including—of course—developments in the [4483] Pacific area. My letter was intended to give a complete reply to the inquiry made by Justice Roberts; it did not, of course, go into the substance of the considerable volume of information communicated during that period to the War Department.

As already indicated, the seriousness of the situation created by the presentation by the Japanese of their proposal of November 20 was discussed at fre-

quent conferences with representatives of the War and Navy Departments and all important factors concerning our relations with Japan during the period in question were carefully reviewed. As stated in my letter to Justice Roberts, at meetings of the War Council on November 25 and November 28, I emphasized the critical nature of the relations of this country with Japan. I stated to the conference that there was practically no possibility of an agreement being achieved with Japan; that, in my opinion, the Japanese were likely to break out at any time with new acts of conquest by force; and that the matter of safeguarding our national security was in the hands of the Army and the Navy.

With reference to the War Department's inquiry whether there were during the year 1941 any requests made of the War Department or of the Navy Department by the Department of State respecting the employment or location of our armed forces, I may state that I regarded the question of the disposition of our armed forces as a matter which lay within the competence of the War and Navy Departments. No record has been found of any request during the year 1941 by the Department of State relating to the location or [4484] employment of our armed forces in Pacific waters or in the Pacific area, to which regions it is assumed that the War Department's inquiry relates. If this assumption is not correct, I shall be glad upon being so informed by the War Department to have a further search made of the Department's files.

If I can further assist the Board in its investigations, I shall be glad to do so in any manner which will be most helpful.

Sincerely yours,

/s/ CORDELL HULL

39. General RUSSELL. Upon consideration of the above documents by the Army Pearl Harbor Board; upon consideration of the further fact that General Russell, a Member of the Board, and Colonel Toulmin, the Executive Officer of the Board, conferred with the Secretary of State on the 27th day of September 1944, relative to the matters discussed in said documents, and other matters; upon further consideration of the fact that former Ambassador Grew had been called before the Board and had testified since the conference between the Secretary of State, General Russell, and Colonel Toulmin; and upon further consideration of the fact that the White Paper of the State Department had been considered by the Board, and that the book of Ambassador Grew, "Ten Years in Japan," has been introduced into evidence and is a part of the records of the Army Pearl Harbor Board, it was concluded by the Board that the investigation now being conducted by the Board, as relates to the State Department, had been concluded, and that no good reason existed for calling the [4485] Secretary of State as a witness before the Board.

(Whereupon, the Board, having concluded the hearing of the testimony of the witness, took up the consideration of other matters.)

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MONDAY, OCTOBER 2, 1944

Testimony of—

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Colonel Lorry N. Tindal, Ninth Air Force ----- 4487

¹Pages referred to are represented by italic figures enclosed by brackets and indicate pages of original transcript of proceedings.

[4487] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

MONDAY, OCTOBER 2, 1944

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 4 p. m., pursuant to recess, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF LORRY N. TINDAL, COLONEL, AIR CORPS

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station.

Colonel TINDAL. Lorry N. Tindal; Colonel, Air Corps; station, headquarters, Ninth Air Force: APO 696.

2. General GRUNERT. Colonel, in this particular part of our investigation, General Frank, assisted by Major Clausen, will develop what we hope to get from you. General Frank.

3. General FRANK. On what duty were you in December 1941?

Colonel TINDAL. I was the S-2 and assistant S-3 of the bomber command, at Hickam Field, sir.

[4488] 4. General FRANK. When had you been with the fighter command, at Wheeler Field?

Colonel TINDAL. About a month previous to that. I had the Fifteenth Fighter Group, and they decided to put in younger fighter group commanders, so they relieved the two group commanders they had and put in youngsters.

5. General FRANK. On what date were you relieved from the Fighters?

Colonel TINDAL. I don't remember that. It was about the 1st of November, I believe—October or November—I do not remember.

6. General FRANK. So you had been away from there just about a month when the attack came?

Colonel TINDAL. Yes, sir; about a month, or six weeks, something like that.

7. General FRANK. You had had some education in the organization and operation of an interceptor command, had you not?

Colonel TINDAL. Yes, sir.

8. General FRANK. Where?

Colonel TINDAL. At New York.

9. General FRANK. You went to the First Air Force School?

Colonel TINDAL. I went to the First Air Force School. No, it was not called the First Air Force School, then. It was called the Air Defense Command School.

10. General FRANK. And when did you go to that school?

Colonel TINDAL. In March 1941.

11. General FRANK. You know that, when the attack came on Pearl Harbor, there was in effect a No. 1 Alert, in the Hawaiian Department?

[4489] Colonel TINDAL. I don't exactly understand what you mean by the "No. 1 Alert," General.

12. General FRANK. The alerts were numbered, No. 1, No. 2, and No. 3, and the No. 1 Alert was the lowest type of alert. It was an alert against sabotage, only.

Colonel TINDAL. That is correct, sir.

13. General FRANK. When you were with the Fighter Command, had there been these three systems of alert?

Colonel TINDAL. As well as I remember, there were.

14. General FRANK. When the No. 1 alert was in effect, were there any fighter planes that were on an alert of more readiness than four hours?

Colonel TINDAL. I don't remember, General. I don't think so; but I don't know for sure; I don't remember.

15. General FRANK. It seems that we have testimony some place in the record to the effect that, notwithstanding the fact that the No. 1 Alert was called for, for the planes to be brought in on the apron and "herded," so to speak, nevertheless, a certain percentage of them were loaded with ammunition, and the pilots kept on an alert of greater readiness than four hours. Do you know whether or not that was true?

Colonel TINDAL. No, sir; I don't.

16. General FRANK. Had it been true when you were group commander?

Colonel TINDAL. There was always a rule that not more than fifty percent of the personnel would be away from the post, but, as well as I remember, that is the extent of the alertness, as to available planes and personnel.

17. General FRANK. Do you know what the situation was, on the [4490] morning of December 7, with respect to the number of fighter planes that had ammunition?

Colonel TINDAL. There were two squadrons on the outlying fields that were doing gunnery, one, at Haleiwa, and one at our regular gunnery field, at Mokuleia—not at Mokuleia—at Bellows Field. They were loaded.

18. General FRANK. Were the other airplanes loaded, do you know?

Colonel TINDAL. The ones at Wheeler Field, I do not know about, sir. I only know that the ones at Haleiwa and Bellows Field were loaded, because it was a habit to load those airplanes after each mission, so that they would be constantly loaded, and to load them the night before, for the next morning's missions. At that time I had no connection with the Fighter Command, but I knew that those were the habits that were in force at that time.

19. General GRUNERT. Did that apply to the Saturday night?

Colonel TINDAL. Oh, yes, sir!

20. General FRANK. Do you know what fighter action these planes in the outlying fields participated in, on the morning of December 7?

Colonel TINDAL. Yes, sir.

21. General FRANK. Will you tell us.

Colonel TINDAL. The outfit, the squadron that was at Haleiwa was not attacked, except for one strafing plane, and they were not hurt, and they took off. The pilots, some of them were at Wheeler Field, some were at Haleiwa, and they took off and made such interceptions as they could, returning to Haleiwa for arms and fuel. The ones at Bellows Field were [4491] attacked, and suffered quite heavily, but they also got some planes off, and also intercepted and attacked such Japanese planes as they could.

22. General FRANK. Did you have anything to do with the organization and construction of the information center?

Colonel TINDAL. Yes, sir.

23. General FRANK. What was it? Will you tell us your experience, there.

Colonel TINDAL. After I came back from the school in New York, Colonel Bergquist, who was also with me at the school, and Colonel—the signal corps man—I forget his name, now.

24. General FRANK. Powell?

Colonel TINDAL. No, no; not Powell. This Signal Corps man was subsequently sent to the Philippines, where he died.

25. General FRANK. Murphy?

Colonel TINDAL. Murphy. Murphy was also at the school. The three of us, with the help of all the other signal people we could get hold of, tried to put together, with what materials we could get our hands on by "beg, borrow, and steal," an interception center. We first built one at Wheeler Field in the basement of the headquarters building there, and, later on, after searching around a good bit for a place to put one, we found a storage shed in the cable yard.

26. General FRANK. At Schafter?

Colonel TINDAL. At Schafter. There, we built the one that was in use until they finished the tunnel under the mountain. The one in the cable yard worked very well, as a makeshift, but it was not the best in the world, by any means.

27. General FRANK. That did operate, immediately following [4492] the attack of December 7, did it not?

Colonel TINDAL. Oh, yes, sir! That was operating before the attack on December 7, sir.

28. General FRANK. And it operated successfully for a period of time after the attack?

Colonel TINDAL. Yes, sir.

29. General FRANK. Until the one in the tunnel was completed?

Colonel TINDAL. It operated until the tunnel was completed and the installation made, there.

30. General FRANK. That was about when, do you remember?

Colonel TINDAL. About five months later.

31. Major CLAUSEN. You were at the information center on the morning of 7 December 1941, sir?

Colonel TINDAL. That is where I went when the bombing started.

32. Major CLAUSEN. And could you describe the condition that you observed when you arrived at the information center? Was it in operation?

Colonel TINDAL. It was in operation, but it was in quite a turmoil. The suddenness of the attack and the shock of the attack I suppose kind of threw them off their feet.

33. Major CLAUSEN. What time did you arrive, sir?

Colonel TINDAL. I arrived at about 8:20, I imagine.

34. Major CLAUSEN. Did you assist in the work at the information center at that time?

Colonel TINDAL. Yes. That is what I went there for.

35. Major CLAUSEN. Did you observe attempts being made by the operators and the men stationed there to ascertain the direction of the planes that were returning to their carriers?

[4493] Colonel TINDAL. The men on the plotting board were working. They were carrying out their duties, I believe, to the best of their ability.

36. Major CLAUSEN. And did you observe the various plots that were being made?

Colonel TINDAL. Yes.

37. Major CLAUSEN. Were you able to ascertain the direction of the returning planes, returning to their aircraft carriers?

Colonel TINDAL. There were so many plots on the board, all at once, that it was hard to ascertain any single path, or any definite pattern of airplanes returning. However, to the southwest of the island, there were very definitely two tracks to the southwest, ending in a couple of circles, oh, about 30 to 50 miles away.

38. Major CLAUSEN. Were these stations that were then the source of the information mobile stations?

Colonel TINDAL. Yes.

39. Major CLAUSEN. And, from your experience in Hawaii and other places, could you tell the Board whether, if the permanent, higher stations had been constructed, you would have been able to have ascertained this information more accurately?

Colonel TINDAL. The mobile stations that were then operating were in the positions that they were going to put their permanent stations in, I believe; and the mobile station is exactly the same equipment that your permanent station is.

40. Major CLAUSEN. If the higher stations had been completed, do you know if the direction of these returning planes could have been ascertained more accurately?

Colonel TINDAL. Yes.

[4494] 41. Major CLAUSEN. And is it a fact they could have been obtained more quickly?

Colonel TINDAL. Yes, in my opinion.

42. Major CLAUSEN. I have nothing else.

43. General RUSSELL. Who was operating this information center when you reached it on Sunday morning, Colonel?

Colonel TINDAL. The plotters around the board, who were connected by wire to the radar stations, were operating the board. There was a man on the balcony who was making a record of the plots, and those records I think have been maintained; they are in the files, somewhere.

44. General RUSSELL. The point is this, that there were people who had been trained and designated to operate this information center, is that correct?

Colonel TINDAL. Yes, sir.

45. General RUSSELL. And you regard them as people who were capable of operating it that morning?

Colonel TINDAL. Yes, sir.

46. General RUSSELL. About how many people were used under the plan at that time to operate the information center?

Colonel TINDAL. To operate the information center, on a regular operating basis, with the number of radar stations we had at that time, which I think was four, it would take one man for each radar station, and it would take four on the Island of Oahu.

47. General RUSSELL. Assuming that they had six stations, then they would have to have six operators?

Colonel TINDAL. They would have to have one listener and one plotter for each radar station.

[4495] 48. General RUSSELL. Well, would the listener and the plotter be the same fellow?

Colonel TINDALL. Oh, yes! Yes, sir. The operator of the radar talks continually to this man at the board, and he makes the plots as he is told, on the board, and then your fighter officer and your artillery officer and your Navy officer in the balcony above, and the bomber officer, handle their respective jobs.

49. General RUSSELL. Were they all there, that morning?

Colonel TINDAL. No, sir.

50. General RUSSELL. These people you are talking about?

Colonel TINDAL. No, sir.

51. General RUSSELL. None of those people got there, at all?

Colonel TINDAL. The fighter man was there, sir.

52. General RUSSELL. Now, you have not seen the set-up they have got in the information center out there now, have you?

Colonel TINDAL. Yes.

53. General RUSSELL. How many people have they got running these 26 stations, now, do you know, in that information center?

Colonel TINDAL. Oh, I don't know how many are in there, now.

54. General RUSSELL. Are there a hundred?

Colonel TINDAL. I don't know how many are in there, now.

55. General RUSSELL. There are a lot of folks around there?

Colonel TINDAL. Yes; there are a lot of folks.

56. General RUSSELL. Do you know why they put 26 radar stations on the island out there, at this time?

Colonel TINDAL. 26? They are a different type of radar, General. There are some long-range and some short-range.

[4496] 57. General RUSSELL. That is all I have.

58. General GRUNERT. What is the procedure for the SOP as to the fighter squadrons going up to fight? Do they go up individually, in flights, or what?

Colonel TINDAL. General, it depends on what they are going up to fight. If they are going up to fight a small force, they will send a flight. They do not send a great big force to tangle with a small one, it is not necessary, and they are told they may be dispatched in flights, individually, or by squadron or group.

59. General GRUNERT. What I want to get at is, on the morning of the 7th, how did they go up? Were they organized to fight, or did they go up as individuals, to do the best they could?

Colonel TINDAL. They went up as individuals, sir.

60. General GRUNERT. And then they just went up to do the best they could under the circumstances?

Colonel TINDAL. Yes, sir.

61. General GRUNERT. As to the information center, in plotting the flights of the planes in the air, could they tell whether the flight was enemy or friendly?

Colonel TINDAL. No, sir.

62. General GRUNERT. Then it was not a well organized, functioning information center as we know it now?

Colonel TINDAL. Well, our fighters at that time, in Hawaii, did not have the identification, friend or foe.

63. General GRUNERT. Then all they could do was plot what was in the air?

Colonel TINDAL. Yes.

64. General GRUNERT. And the ones on the balcony could not [4497] tell whether they were friend or foe?

Colonel TINDAL. Yes, sir. The Navy people, the Navy officer, there, should know where the Navy planes are. He is in direct communication with his own headquarters, who keep him informed as to where his planes are. The bomber people are kept informed from the bomber headquarters where the bombers are.

65. General GRUNERT. But, on the morning of the 7th, there was no such organization?

Colonel TINDAL. No, sir.

66. General GRUNERT. There was no Navy representative there, no liaison officer?

Colonel TINDAL. No.

67. General GRUNERT. Was there a bomber representative?

Colonel TINDAL. No, sir. They had, as well as I remember, one officer on duty. They kept one officer on duty in the place, at all times, and that one was on duty, at the time.

68. General GRUNERT. In your opinion, was the radar station plus the information center about as well along in the organization as could be expected at that time? In other words, you were there assisting in setting it up, and was it satisfactory to you? Had they made satisfactory progress, as far as you could determine? If they didn't, do you know what caused delays, and why were they not in better shape?

Colonel TINDAL. I don't believe that the information center was functioning at its best efficiency.

69. General FRANK. When?

Colonel TINDAL. At that time.

70. General GRUNERT. Define it a little more.

[4498] Colonel TINDAL. I would say in a period of time before and after December 7—I mean before December 7, anyway; due primarily I think to the lack of knowledge, the lack of knowledge of the people; I mean all the forces concerned, in what radar could do if properly applied.

71. General GRUNERT. That was one handicap. Now, how about the "push" that was back of them in getting them started? Was there

a lack of interest, or was there a lack of realization as to the functions, or what?

Colonel TINDAL. In my opinion there was, sir.

72. General GRUNERT. There was what?

Colonel TINDAL. A lack of push, a lack of interest, and a realization of what the thing would do.

73. General GRUNERT. They didn't have the liaison officers necessary, detailed, and properly instructed?

Colonel TINDAL. On the 7th? No, sir.

74. General GRUNERT. But they could have had, had they "doped" the situation as being as serious as it turned out to be; they could have had them there and had them instructed, could they not?

Colonel TINDAL. Yes, sir.

75. General GRUNERT. You have had practices, in tests and exercises, in which the center functioned fairly well?

Colonel TINDAL. Yes, sir.

76. General GRUNERT. And at that time they showed an interest because of the exercise, was that the idea?

Colonel TINDAL. Well, it is sort of a "new toy," you know, General.

77. General FRANK. And the Service had to be sold on it?

[4499] Colonel TINDAL. It had to be sold; yes, sir.

78. General GRUNERT. But, had they "doped" the situation properly, that selling would not have taken long, if they thought something was imminent?

Colonel TINDAL. I don't believe if the situation had been "doped" properly, that the station would have been quite so empty as it was at that time, sir.

79. General GRUNERT. In your opinion, was it possible to get these liaison officers, to instruct them, and to be able to know of the various components in the air, so that the thing could have been made to function in case an enemy raid came in, that they could locate it at a reasonable distance and report it?

Colonel TINDAL. Yes, sir.

80. General GRUNERT. Are there any other questions?

81. General FRANK. Had those people been present in the exercises that they held along the first part of October or November?

Colonel TINDAL. Now, which people is that, General?

82. General FRANK. These liaison people.

Colonel TINDAL. Liaison people?

83. Colonel FRANK. Yes.

Colonel TINDAL. Yes, sir; they had them present at those exercises.

84. General GRUNERT. Is there anything else that you think of that you might tell the Board, that would give us a better understanding, or would give us a better opportunity to come to conclusions, primarily as to the air warning service and the information center?

[4500] Colonel TINDAL. I believe that the air warning service and the information center—the air warning service was on the job. They were doing a good job. They were operating their equipment, and the time of operating this equipment, as well as I remember it, at that time, was an hour before sunrise to an hour after sunrise, the maintaining of a watch, and the equipment was operating it, as the record of the plots during that period show. I think if more interest had been put in the building up and the making of an information

center, that probably it would have gotten along a lot faster, and people would have been better trained.

85. General GRUNERT. And if they had had that interest, the training would have followed, and if they had had a 24-hour service, then you think it would have been of great value?

Colonel TINDAL. Yes; I do.

86. General GRUNERT. Are there any more questions? Thank you very much for coming.

(The witness was excused, with the usual admonition.)

(Thereupon, at 4:35 p. m., the Board, having concluded the hearing of the testimony of the witness, took up the consideration of other business.)

[4501]

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[4502] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

FRIDAY, OCTOBER 6, 1944

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 9 a. m., pursuant to recess, proceeded further with its hearing, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

1. General GRUNERT. The Board will come to order.

I desire at this time to place in the record certain exhibits, the first of which is a letter dated 8 July 1944, containing orders of the War Department, Adjutant General's Office, convening the Army Pearl Harbor Board.

(Letter Orders, War Department, A. G. O., 8 July 1944, convening Army Pearl Harbor Board, marked Exhibit No. 65, was received in evidence.)

The next is a letter dated 11 July 1944, amending orders, from the War Department, Adjutant General's Office.

(Amending Orders, War Department A. G. O., 11 July 1944, marked Exhibit No. 66, was received in evidence.)

[4503] The next is a letter dated 22 August 1944, amending orders from the War Department, Adjutant General's Office.

(Amending orders, War Department, A. G. O., 22 August 1944 marked Exhibit No. 67, was received in evidence.)

The next is a letter dated 22 July 1944, containing supplemental orders from the War Department, Adjutant General's Office.

(Supplemental Orders, War Department, A. G. O., 22 July 1944, marked Exhibit No. 68, was received in evidence.)

The next is a memorandum from the Acting Secretary of War to the Judge Advocate General, dated 12 July 1944.

(Memorandum from Acting Secretary of War to the Judge Advocate General, 12 July 1944, marked Exhibit No. 69, was received in evidence.)

2. General RUSSELL. I introduce in evidence a memorandum addressed to General Grunert, President, Army Pearl Harbor Board, dated 25 August 1944, from J. Edgar Hoover, Director, Federal Bureau of Investigation, the report consisting of 32 numbered pages and certain exhibits attached thereto, all of which are bound in a folder.

(Memorandum addressed to General Grunert, President, Army Pearl Harbor Board, dated 25 August 1944, from J. Edgar Hoover, Director, FBI, marked Exhibit No. 70, was received in evidence.)

[4504] **TESTIMONY OF LT. ROBERT H. O'DELL, INFANTRY, 0397269, 5TH HEADQUARTERS, SPECIAL TROOPS, 22ND CORPS, CAMP PICKETT, VA.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

1. Colonel WEST. Lieutenant O'Dell, will you please state to the Board your name, rank, organization, and station?

Lt. O'DELL. Robert H. O'Dell, First Lieutenant, Infantry, 0397269; present assignment, 5th Headquarters, Special Troops, 22nd Corps, Camp Pickett, Virginia.

2. General GRUNERT. Lieutenant, General Russell has a few question to ask you to develop this subject that we have before us.

3. General RUSSELL. Lieutenant, where were you in November and December of 1941?

Lt. O'DELL. I was the Assistant Military Attache at the American Legation. I was stationed in Melbourne, Australia.

4. General RUSSELL. Under whom were you serving at that time?

Lt. O'DELL. The Military Attache was Colonel Van S. Merle-Smith.

5. General RUSSELL. Did you attend some conferences among the representatives of the British, Dutch, and American Governments?

Lt. O'DELL. I did, sir.

6. General RUSSELL. Early in December 1941 and prior to the Japanese attack on Pearl Harbor?

Lt. O'DELL. Yes, sir.

7. General RUSSELL. Lieutenant, will you state who attended [4505] those conferences?

Lt. O'DELL. Yes, sir. The conference was called by Air Chief Marshall Sir Charles Burnett, Chief of Staff, Royal Australian Air Force, and was held in his office. Present were: Colonel Van S. Merle-Smith, United States Military Attache; Commander Salm, the Dutch Indies naval liaison officer to the Australian Government; myself; and at times during the conference Air Commodore Hewitt, the Royal Australian Air Force intelligence officer, came and went during the time that we were there.

8. General RUSSELL. Would you state whether or not these conferences were held, Lieutenant, because of the movement of Japanese task forces southward and possibly into the China Sea?

Lt. O'DELL. That was the reason for their being called, sir.

9. General RUSSELL. Omitting the details of the conference—the discussions and conclusions and whatnot—we will come to the action taken by the American representative.

Lt. O'DELL. Colonel Merle-Smith.

10. General RUSSELL. Now, will you point out to me any written document which may be in your possession which represents the action taken?

Lt. O'DELL. Should I just look through this, sir (indicating)?

11. General RUSSELL. Yes. I lost the place. Is that the book?

Lt. O'DELL. Yes, sir; this is the cable in question, sir. (Indicating)

[4506] 12. General RUSSELL. Now, state whether or not this cable signed by Merle-Smith was sent to the Commanding General of the Hawaiian Department.

Lt. O'DELL. It was sent to the Commanding General, Hawaiian Department, and Commanding General, Philippine Department, at the same time, sir, in separate codes.

13. General RUSSELL. The date which is shown on the cable, Lieutenant, is December 6, which would be Saturday. Was that Australian December 6?

Lt. O'DELL. That is Australian time, sir.

14. General RUSSELL. That would be American and Hawaiian December 5th?

Lt. O'DELL. 5th.

15. General RUSSELL. Or Friday?

Lt. O'DELL. That is right, sir.

16. General RUSSELL. I am going to read into the record, so they can take back this book—it is just one page—paraphrase of a secret message.

(Paraphrase of secret confidential restricted message received at War Department December 7, 1941, from Melbourne, Australia, by Merle-Smith, is as follows:)

Received at War Department at 7:58 p. m. December 7, 1941.

From Melbourne. Filed December 6, 1941.

Received in I. B. 10:30 a. m. December 8, 1941. No. 24.

"1. The Netherlands Far East Command ordered execution of Plan A-2 based on their intelligence reports (without confirmation here) of naval movement [4507] on Menado and/or Ambon from Palau. They offered the suggestion that the Royal Australian Air Force likewise take reciprocal action on Laha, Ambon (Amboina?), and Koepang.

"The R. A. A. F. accordingly acquiesced to the suggestion and in addition sent task scouting planes to Northwest Passage and Buka, and dispatched a flight of Catalina aircraft to Rabaul. Reinforcements of the Australian Army were held ready for transfer to Koepang and (Amboina) should the Dutch Command so request them.

"2. The Netherlands Command at 8:00 A. M., 7 December reported planes to have reached Koepang, and that Australian air assistance was now deemed unnecessary. However, at 11:00 A. M. the Air Corps Chief decided to go forward with all aircraft as planned.

"3. This message was delayed 17 hours by (?) Government (x).

"4. Manila has been informed."

Signed "Merle-Smith

G-2 Note:

Lieutenant, maybe you had better read that note.

Lt. O'DELL. Yes, sir.

17. General RUSSELL. Because it does not make much sense to me. [4508] ("G-2 Note" at bottom of preceding message is as follows:)

Menado—Celebes Island

Ambon (Amboina)—Dutch naval base in southern Molucca Islands

Koepang—Timor

Rabaul—Bismark Archipelago, north of New Guinea

Buka—Solomon Islands.

Lt. O'DELL (reading) "Menado—Celebes Island." That is its location at the top.

"Ambon (Amboina)"—Dutch naval base in south Molucca Islands.

"Koepang—" They have "Timor." It should be—it is in Dutch Timor. It is part of the Island of Timor, belongs to Portugal.

"Rabaul—Bismark Archipelago, north of New Guinea." Or it's the top of New Britain.

"Buka—Solomon Islands." But, sir, that Buka belongs to Buka Passage, which is far out and yon from the Solomons. It's at the top between New Britain and your Solomon Islands.

18. General RUSSELL. Lieutenant, in the body of the message sent to Hawaii which I have just read to you there is reference to something which occurred at 8 a. m. 7 December. That would be 8 a. m. 6 December American time; is that right?

Lt. O'DELL. To the best of my knowledge it would be, sir.

19. General RUSSELL. On the bottom of this message is a Code Section note:

[4509] ("Code Section Note" at bottom of preceding message is as follows:)

This message was addressed to the Commanding General, Hawaii, and relayed to War Department by Signals, Hawaii, with request for decipherment and repeat to them. This message also contained a request that Honolulu repeat it to War Department.

Chief of Staff WDMC—
Whatever that is—

SC WDMC will paraphrase and repeat it back to Honolulu.

You were present at these conferences, and you were there when Merle-Smith determined to send this message?

Lt. O'DELL. Yes, sir.

20. General RUSSELL. You were thoroughly conversant with what was going on?

Lt. O'DELL. Yes, sir.

21. General RUSSELL. It was the purpose of this movement of the Dutch and the British to meet this task force which was moving south from Japan?

Lt. O'DELL. Yes, sir, and also to prepare for possible Japanese moves that they did not have information on. I say that, sir, because it mentions Buka, which is over a thousand miles away from the scene of the action that is described in the cablegram. They took preparatory measures. They sent out reconnaissance aircraft over a net which spread from—covered all of the approaches to Australia.

22. General RUSSELL. Some question has arisen because of the fact that the Commanding General, Hawaii, as he is referred [4510] to in this message, sent it on to the War Department for deciphering. Had there been communications between the office to which you were attached in Australia and the Hawaiian Department prior to the sending of this message; and had such communications, if they had occurred, been in code?

Lt. O'DELL. We had several communications, both directions, with Commanding General, Hawaiian Department, in a similar code.

23. General RUSSELL. Did you use the code in transmitting the information in the message which we have just described as had been used by the Commanding General of Hawaii in sending his messages to you?

Lt. O'DELL. Yes, sir. But I think I should point out that although we used the same code the cipher tables changed monthly, and I imagine that our last message in the same code to the Hawaiian Department probably was in the latter part of November, and this is early December. There is a possibility that the cipher table was different even

though it was the same code, but it is unlikely for the reason that the cipher tables are sent out together for four months at a time. You use a different table, but all four tables are sent to the people who are to get them simultaneously.

24. General RUSSELL. The reason for introducing this testimony is that the message which was read into the record indicates that Merle-Smith, the American representative at Melbourne, Australia, as a result of certain conferences with the British and Dutch authorities at that point, along just prior to the sending of this message, which was on December 5, 1941, American time, had learned that the Dutch and British had entered into an agreement for sending certain forces north to [4511] intercept a Japanese task force which was moving south and at that time had probably reached the China Sea. The clash of these two forces would have meant war and was very imminent and could have occurred at any time. Merle-Smith, the representative of the American Government, decided not to send this message by way of Washington since some delay would have been caused in transmitting it from Washington to the Philippine and Hawaiian Departments. Hence he sent it direct to those two departments.

25. General GRUNERT. And the same time, if he sent it direct, that could have been decoded in Hawaii; is that right?

26. General RUSSELL. Yes, and it would probably have been available not later than Friday night before the attack.

27. General GRUNERT. Then the thought occurs to me, Why did they send it to Washington to decode if it could have been decoded there? That is quite an unusual procedure, isn't it?

28. General RUSSELL. Well, I will go further and say that the evidence was very clear from this witness that they sent it in a code which Short had previously used, in transmitting it to him; and he made the further explanatory remark that on the first of each month a change occurred and it may have occurred though the witness did narrate such facts which he thinks negatives the idea of the change.

29. General FRANK. You were about to make a statement. What was it?

Lt. O'DELL. Sir, that one of the reasons he sent this direct to Hawaii, aside from the urgency of the time factor, was that in mentioning Plan A-2 I don't know enough about it to say much, but it is my understanding that A-2 fell into the [4512] Rainbow Plan and that certain action was called for by the American Navy under Plan A-2; and, therefore, if the Dutch had ordered the execution of Plan A-2, some reciprocal action was required on the part of the American Navy, and that they in Pearl Harbor—that is, that the Commanding General, Hawaiian Department, would naturally inform the Navy of the fact, and that it would come from other sources, of course, as well, but that we wished to confirm the fact of the execution of Plan A-2, which was a mutual agreement among Britain, Holland (the Indies), America and Australia: four powers.

30. General RUSSELL. I have no further questions.

31. General GRUNERT. Is it also possible that this throws light on the newspaper article about what one Sir—what is the name? Dixon?

Lt. O'DELL. Dixon, sir.

32. General GRUNERT. About what Sir Owen Dixon is supposed to have said at a party one night? That may throw light on that.

Have you anything else that you think would assist the Board?

Lt. O'DELL. Sir, that was the reason that I came into this at all. When I read in the newspaper about Sir Owen Dixon's statement he was not the Minister here at the time. The Minister at the time was Mr. Casey. Sir Owen Dixon handled shipping in Australia. Sir Owen Dixon denied that he had made—that he had any previous knowledge of the attack on Pearl Harbor or that the Australian Government had that. That is so. None of us knew anything at all about Pearl Harbor. [4513] But very carefully, in my own opinion, Sir Owen Dixon did not say that the Australian Government hadn't any prior knowledge of an attack pending in the Philippines or in the Indies. The Australian Government did have information of that, but he denied that they had any on Pearl Harbor, sir.

33. General RUSSELL. Sir Owen Dixon is alleged to have made a statement, Lieutenant, since it has come into the picture, that there was a task force moving to strike possessions other than the United States and he knew that 72 hours in advance; that 24 hours later, and 48 hours before the attack at Pearl Harbor, he learned that this task force had been diverted by the Japanese Government and was moving toward an American possession. Can you throw any light on that?

Lt. O'DELL. That information undoubtedly is so, sir. It probably was the same convoy in the South China Sea. Neither the Dutch Intelligence nor the Australian Intelligence were able to say where this convoy was heading—to where. They said that it would get to where it was going within 60 hours, but the Dutch went on the assumption, of course, that it was headed for them rather than for an American possession. But that, I believe, would appear as the reason why.

34. General RUSSELL. Let me ask this specific question: Did anything come to your attention out there, in these last critical days, upon which Sir Owen Dixon might have based his statement that this task force had been diverted from its original course and was then steering toward an American possession?

Lt. O'DELL. No, sir; not to my knowledge, sir. And Sir Owen Dixon and the Australian Government undoubtedly had [4514] other intelligence information indicating the imminence of war, but not in regard to that particular question.

35. General GRUNERT. Is there anything in this incident that would indicate that that force that is being discussed had been diverted to come toward Hawaii?

Lt. O'DELL. It would have been impossible, sir. It would have taken at least four days, at the very minimum from past 60 hours. That is, we expected a hit somewhere in 60 hours. It would have taken another four days after 60 hours to have gotten to Pearl Harbor.

36. General FRANK. We already have before the Board information that it was known that the Japanese task force was moving south from Japan.

Lt. O'DELL. That probably was another convoy, sir.

37. General FRANK. So we knew that it could approach Guam or the Philippines.

38. General GRUNERT. Thank you very much.

(The witness was excused, with the usual admonition.)

(Whereupon the Board, at 12:15 p. m., proceeded to other business.)

[TOP SECRET]

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[TOP SECRET]**[2] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD**

FRIDAY, SEPTEMBER 29, 1944**MUNITIONS BUILDING.***Washington, D. C.*

The Board, at 10:30 a. m., pursuant to recess on yesterday, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell, and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder, Major Henry C. Clausen, Assistant Recorder, and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

**TESTIMONY OF GENERAL GEORGE C. MARSHALL, CHIEF OF STAFF,
UNITED STATES ARMY, WASHINGTON, D. C.—Resumed. (ACCOM-
PANIED BY BRIG. GEN. THOMAS NORTH)**

Colonel WEST. The witness has already been sworn. It will not be necessary to swear him again, but he is reminded that he is still under oath.

General GRUNERT. General, we appreciate your coming to the Board. The Board would like to have come to you, but it was your own choice.

General MARSHALL. Well, I thought that I could manage this morning easier than I could the other day.

[3] General GRUNERT. We shall ask General Russell to continue with your rehearing, because this is the special phase in which he has done more digging than any of the rest of us.

General RUSSELL. General, we sent a letter to you from Los Angeles, I believe, or from San Francisco, under date of August 31, outlining certain things that had come to the attention of the Board which we desired to have you discuss with us. It is my suggestion that you go ahead with such discussion as you think proper, and at the end of that discussion we can bring up any details which we would like further information on.

General MARSHALL. In other words, take the questions that you brought up, and use that as the basis for discussion?

General RUSSELL. Yes, if you think that is well.

General MARSHALL. Well, that is quite agreeable with me.

The first question to which my attention was invited by the Board was this:

"That the War and Navy Departments knew that Japan had set a deadline of 25 November, later extended to 29 November for the signing of an agreement, after which they would take hostile steps against the U. S."

The War Department had the information that the Japanese Government desired the negotiations to be completed by the 25th of November and that this date was postponed to the 29th of [4] November. As I stated to the members of the Board in confidence at my previous appearance, the first date of the 25th of November that came to our attention puzzled us greatly as to what its significance might be, and, as I told you then, the only thing that we could think of at the moment was, it pertained to the fact that on that day the anti-Comintern pact expired. But that was not acceptable, and there was nothing else that we could focus on.

During all this period the Japanese had been involved in actions in the China theater and towards Indo-China, which indicated to our minds very plainly that they were either about to embark on a war in the Malaysia area, at least, or were in the process of carrying out very dire infiltration operations such as they did in Manchuria and in Northern China, and during which, you remmebr, it was technically held that there was not a state of war.

However, we later received information from our secret sources, but conclusive, that the date had been extended to the 29th of November. That, in our view, wiped out any thought that the original date of the 25th of November pertained to the anti-Comintern pact. So we were left in the position of still endeavoring to reason out just why that specific date was announced.

There were numerous troop or convoy movements as well as instructions, which we obtained from our secret sources, to Japanese officials, particularly in the China region, which indicated preparations either for hostile acts or, as I said before, for bold infiltration methods in the Far East.

November 29th arrived and passed, and we entered into [5] December without anything happening other than the continuation of these movements, which we could follow fairly well, down the China coast and Indo-China and headed quite plainly towards Thailand and the Gulf of Siam.

General RUSSELL. May I ask one question before you go to 5? I believe you are going to 5 from there.

General MARSHALL. I was going to try to tie the two together.

General RUSSELL. It is accurate to say that the information which the War Department had was to the effect that the dates of November 25th and November 29th had certain significance, but the War Department did not determine just what thatsignificance might be?

General MARSHALL. What that was. That is correct. And I repeat again that in all the past procedures of the Japanese they had taken very bold measures, on the grounds—on the assumption, I presume—that they could get away with them without the United States entering into war. Their feeling, so nearly as we could determine, was one that the United States would not participate in a war and they could

take advantage of that by doing things that otherwise would immediately provoke a state of war.

As to the British, they were in the predicament of being overextended in every direction and unable to provide adequate garrisons, particularly of air forces, for their many distant installations, such as Singapore. That being the case, it appeared to us that the Japanese quite probably were prepared—were going ahead to get in as strong a position as possible, on the assumption that the reluctance of the United States and the [63] reluctance of the British Government in its dilemma of the moment would permit them to establish themselves—that is, the Japanese—in a very strong position for whatever they did in the future, either in the way of threatening negotiations or an actual launching into a state of war; and, of course, in all of this the Burma Road was a very pertinent consideration. If you recall, it had been closed for quite a time, and then it was reopened, to the anger of the Japanese; and the movements into the Gulf of Thailand and threatening the Malay Peninsula, and all, of course, related to what might be done in the business of closing the Burma Road.

The next question that was quoted to me is this:

That early on 7 December 1941 the precise time of the attack was known. It was known three or probably four hours before the attack.

The War Department received on the morning of the 7th of December a message which had been intercepted by the Navy, directing the Nomura mission then in Washington to perform certain acts at 1 p. m., Washington time, that date.

As I stated to you the other day, in secrecy, off the record, that message became available to me in the neighborhood of—well, at about 11 o'clock or thereabouts, and the circumstances were these: I was about to leave for the War Department, having been horseback riding Sunday morning, when a message came in that they had there an important document, and used the expression "magic," which determines that sort of material, which they thought I should see at once, and they would bring it to me at Fort Meyer.

I said I was then about to leave for the War Department, [73] and I would go to the Department, which I did, in this building. There I saw General Miles, Colonel Bratton, who had charge of all these secret codes at that time, General Gerow, and I have forgotten who else might have been present.

As a matter of fact, I reached there before the assembly of these officers had been completed, and was given this lengthy document which was the reply of the Nomura mission to Mr. Hull, the Secretary of State. I read that through. Some parts of it I reread in order to get its full significance, and as I reached the last page of it I found under it this final message separate from that document, which had been, as I was told at the time, monitored, as they call it, out in the Northwest at about 6:30 that morning. Now, whether that 6:30 was Washington time or West Coast time or Greenwich time, I don't know; I wouldn't be able to check on that. You can get that from the records. But, at any event, it then appeared to me this December 7th, one o'clock Washington time—there was no doubt in the minds of those present, certainly not in my mind, that that "one o'clock" had some very definite significance. When they specified a day, that of

course had significance, but not comparable to an hour. Something was going to happen at one o'clock, it was quite evident to us. Otherwise it was a most remarkable message.

I then called Admiral Stark on the White House phone, which has a greater degree of privacy, not secrecy, than any other phone we use, and he was at his desk. I asked him if he had read the final message referring to one o'clock. He stated that he had, and I proposed that we send an immediate message to all theaters concerned. Admiral Stark hesitated, because he said [8] had alerted them all and he was afraid of confusing them further.

I hung up and then wrote out in longhand, pencil, the draft of the message reading as follows:

(Draft of message written in longhand by General Marshall on December 7, 1941, is as follows:)

The Japanese are presenting at 1 p. m., Eastern Standard Time, today, what amounts to an ultimatum. Also they are under orders to destroy their code machine immediately. Just what significance the hour set may have we do not know, but be on alert accordingly.

I finished writing this and gave it to Colonel Bratton to take immediately to the message center to be dispatched by radio to the Western Defense Command, the Panama Command, the Hawaiian Command, and the Philippine Command; but as he was leaving the room the White House phone called again, and Admiral Stark asked me if I had sent the message, and I told him it was in the process of leaving, and he said, "Please put on it the usual expression to inform the naval officer."

I therefore added in my handwriting:

Inform naval authorities of this communication.

That procedure was always followed to avoid sending two code messages about the same subject, which greatly facilitates deciphering by the cryptologist, and we would have to follow that procedure all the time, and do today, of course. I was told at the time, whether after the actual dispatch from the room of the messenger or while I was reading the lengthy Nomura [9] message, that these things had come in during the night, the one p. m. message in the early morning, and that they had been received on the naval side, and they were so overburdened with the length of the document and the necessity for speed that they had gotten the War Department similar agency to assist them in the translation of the deciphered message from Japanese to English, and that had been completed in the War Department side.

I have since been told that certain sections of the Nomura document, late that evening before (they used the expression "night"; what hour I don't know, but presumably quite late) were sent in pieces to the Secretary of State; that the final section of the message was not deciphered and translated until the following morning, that is, they didn't get through there. And I will explain some of the details in regard to that.

Now, when this mass of material was finally sifted out and put into English form, the people in that section of the War Department, of G-2—Colonel Bratton in particular—they took it and went through it. That consumed a certain period of time, to see what this thing was. And then the next thing was to get me to see it, and I have de-

scribed how that occurred. And then we came to the actual transmitting of the message to Hawaii.

That transmission followed this procedure: Colonel Bratton, who took the original pencil message to the message center, when he returned, was questioned by me as to the procedure going to be followed there, how long it would take to encipher it, how long it would take to dispatch it; and I couldn't quite understand his explanation, so I sent him back to bring me a clearer picture of the procedure, and sent with him Colonel Bundy, [10] who was the officer of War Plans Division in immediate charge of all matters pertaining to the Pacific.

When they returned they gave me a statement which in general effect, as I recall, meant that within thirty minutes from that moment it would be in the hands of the recipients. It still wasn't quite clear to me as to what these time elements were, and I sent the two of them back, Colonel Bratton for the third time, to check again; and their reply, so far as I can remember now, was satisfactory when they came back.

I learned later (as a matter of fact, I did not learn until the Roberts Commission) that, while they could raise the Philippines and Panama and the West Coast on the radio, they couldn't raise Hawaii, for some reason. They couldn't get any reaction from Hawaii. But they did have a special Western Union connection with San Francisco, and, I think, the Radio Corporation of America connection out to Hawaii. Therefore they did it on that.

I recall being told at the time that when—that there was—no, no. I am wrong. I wasn't told at the time. It developed afterwards that where they thought that that would go through with great speed, particularly because they had a teletype installed from that office in Honolulu to the Army Headquarters, it developed later that the teletype was not in operation that particular morning, at that particular hour, and therefore the message, instead of flashing through on the teletype, was sent by a boy on a bicycle, and he got caught in the bombing, in the first bombing operation.

General FRANK. Did the message get through all right to the Philippines?

[11] General MARSHALL. Yes, it went through to all the other places. I haven't got the exact times, but it went through there in time for them all to make the movements.

General FRANK. Well, was the substance of the message picked up through this "magic" intercept?

General MARSHALL. Now, "the message"? Which message are you speaking of?

General FRANK. This last message, the substance of this message that you have just been discussing.

General MARSHALL. Well, I have been discussing the message I sent out, and you are talking about the "magic" message?

General FRANK. No. I am talking about the message that you sent.

General MARSHALL. You say was that picked up?

General FRANK. Where was the substance—what I am getting at is this: the Japanese already knew about this one o'clock business.

General MARSHALL. Yes.

General FRANK. Well, what was the necessity for encoding?

General MARSHALL. Because we didn't know what "one o'clock" meant.

General FRANK. Well, the Japs knew what it meant.

General MARSHALL. Yes, but we didn't.

General FRANK. Well, then, from whom were we keeping it a secret?

General MARSHALL. We still did not know what "one o'clock" meant, and we were still under the duress of not, on our part, doing something that would precipitate the whole business, in [12] addition to the fact that it could be construed as an overt act involving an immediate act of war against Japan.

Please have this in mind: Throughout this procedure, the procedure of the previous two or three months (as a matter of fact, the preceding eight months)—let us see; I have got to count on my fingers—oh, the preceding nine months, we had been endeavoring to see that there was not a rupture in the Pacific, which meant for us, if that happened, we were instantly engaged in a war on two fronts, when we were not prepared for a war on a single front, with our resources and the state of development of the Air Force, and everything of that sort. And that became even more pressing as the Japanese threats became more alarming, more evident. Every week that we gained was of immense benefit to us in our state of preparation. And, for example, at this particular period, with these convoys on the ocean, with the marine convoy coming out of Shanghai evacuating those troops, with a large number of ships taking planes, crews, supplies to General MacArthur, who had had literally nothing prior to that time, we were endeavoring in every way we could to go as long as possible without a rupture in the Pacific.

Now, in the light of what has happened—as you say, the Japanese knew what they were doing—the situation is quite clear, but we had at that time no knowledge of just what "one o'clock" meant. It might have meant one of a number of different things. At the moment our attention was focused on where we saw their moves, and those pertained to Malaysia in particular. We could not tell, in the fantastic way in which the Japanese infiltrations were being conducted, whether or not [13] they were going to try to carry out some procedure to their advantage which would leave us in the position of having to become aggressors in this matter, and all of that is involved in this business; and if you send the message in the clear, that is general advertisement of the whole business and also instantly and automatically discloses all our codes. That simple fact alone, which I have arrived at at the end of this thing while thinking out loud, would have stopped us from that, because that would have immediately closed all knowledge of that—the very thing that we are worried about right now.

Now, the coding machine is a very quick procedure. It is done on a machine as rapidly as the girl types. The whole thing was the actual transmission of a message. The gain in time if you didn't code would practically be that she would type from the pencil notes the same thing that I had written there, rather than type it in a way that it came out encoded, because that is done on a machine and is done, as I understand it—while I am not an expert; I am not familiar with the thing—

General FRANK. Was the telephone considered as a means?

General MARSHALL. No, it was not considered, or it may have been considered but it would not have been used, I am quite certain, certainly not to Hawaii first, because all our information at the moment was out at the other theater, out in the other thing. If I had thought I could put telephone calls through at those hours, which meant we had to get the fellow out of bed and do a number of things, and all the time-consuming element on the business, I would certainly have called MacArthur first, and then I would have called the Panama Canal second, because we had had very peculiar things there, and of [14] course they could chop into us very badly there. We were open in a more vulnerable way in the Panama Canal than we were in Hawaii.

And from our own experience, my own experience, even now our telephone is a long-time procedure. We have the very finest equipment now. It just literally cost thousands and thousands of dollars, and we talk to London and we talk to all of them, and it is a long-time business. You put the other thing through in a hurry. The only thing on the telephone is, you can debate back and forth, which we now find we do a little bit better by teletype than we do on the telephone. We have a secret telephone at the present time.

General GRUNERT. Did you feel assured that the message of December 7th, as sent, would get to the commanders concerned prior to the one o'clock hour at which things might happen?

General MARSHALL. I had no feeling of assurance. I mean, I did feel assurance, from what they told me, that it would arrive there before one o'clock, but we also had the feeling that it takes a long time to implement any acts; and whether there was time enough available is quite another matter, because you have to get to a great many people and it is a long procedure that you are going through with.

General GRUNERT. Did you feel, as Admiral Stark evidently felt, that the previous warning messages, and in the case of the Army the primary one appeared to be that of November 27, were sufficient warning to be on the alert without the December 7th message, just putting on such an alert against most any eventuality?

General MARSHALL. Yes and no. November 27th, in our [15] view, was a sufficient alert. The message of December 7th meant that you would put more people into the alert deployment than would be justified over a long period of time.

General GRUNERT. Here is a general question I might get in at this time: Do you consider that the Commanding General of the Hawaiian Department was furnished with sufficient information from the War Department on which he could reasonably and intelligently base a decision as to the defensive measures that he should take to meet any probable eventuality?

General MARSHALL. I do.

General GRUNERT. Have you anything else on this particular subject?

General RUSSELL. Yes, sir; I have some questions on the message of the 7th, the way it has developed. In the beginning we thought we would just let the Chief of Staff go ahead and give us what he had, but since we are going to extract this from the record I think we had better develop this part of it fully as we go along. I have a question or two, if you haven't any.

General FRANK. Go ahead.

General RUSSELL. There were two papers on your desk when you reached your office that morning of December 7th. I have before me now the book which was prepared by the State Department, commonly referred to as the White Paper, and at page 832 of that book there is a memorandum set forth which was handed by the Japanese Ambassador to the Secretary of State at 2:20 p. m. on December 7th, 1941. It closes with the language:

[16] (Extract from memorandum from Japanese Ambassador to the Secretary of State, 2:20 p. m., December 7, 1941, is as follows:)

The Japanese Government regrets to have to notify hereby the American Government that in view of the attitude of the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations.

Was that the paper that was on your desk that morning?

General MARSHALL. Yes.

General RUSSELL. Along with this message?

General MARSHALL. Yes. That was the one that was on top of the message, you see; that was the first thing I read.

General RUSSELL. Then it had come to pass that the short message had been intercepted, to the effect that the code machines would be destroyed and an ultimatum delivered at 1 p. m. on Sunday, had been translated along with this rather long memorandum from the Japanese Government which was to be delivered to the Secretary of State; is that true?

General MARSHALL. I think there is a little confusion there in the way you stated it. As I understand it, that message came in to the Navy Department for deciphering and translation from Japanese to English on the evening of the 6th, the first part of it (and just when, the records will show: I don't know); and that the greater part of it, or at least two-thirds of it, something like that, was completed (that is, gotten into English) that night of December 6th; what hour, I don't know. And that was sent to the Secretary of State. The final part of it, its deciphering and translation was completed [17] during the night and towards morning and then was dispatched at that time.

The message giving the hour of one p. m., Washington time, and referring to the destruction of code machines in there, to which you have just referred—that came in after this, and, as I recollect, at the time—though again it is a naval record that you can get—and, as I refer to here, was monitored in the Northwest, in Puget Sound, along about six-thirty, or what time I don't know, but that is what my direct recollection of what I was told at the moment was, because I was asking why they didn't give me that first. That was my reaction when I landed on this startling thing, after going through the momentous document of the Nomura presentation, which of course is a very—

General RUSSELL. Well, that is what I was attempting to clear up for the record.

Now, in the same connection we have here a statement that we know very little about. It is from naval sources. It is a recitation of messages that were reaching the Navy Department and the War Department in late November and early December '41. Here is a statement that I believe your evidence has thrown interest on, if it hasn't entirely clarified:

(Excerpt from recitation of messages reaching Navy and War Departments in late November and early December 1941, was read as follows:)

Finally at 10:15 a. m., Washington time, December 7, '41, we received positive information from the Signal Intelligence Service (War Department) that the Japanese declaration of war would be presented [18] to the Secretary of State at one p. m., Washington time, that date.

which apparently is a statement from a naval source that our Signal Intelligence Service—I mean the Army Signal Intelligence Service—picked up that message about that one o'clock time; and it must be that the confusion arose because of the fact that the Navy had sent all of those, including the short message, over to our people for translation, and that we did not pick it up but it was picked up by the naval people.

General MARSHALL. Well, I don't know about that. I have given your my recollection, but Colonel Bratton is here; I had him recalled from the overseas theater.

General RUSSELL. That was the next question I was going to ask

General MARSHALL. And you can bring him in, and he can talk authoritatively.

General RUSSELL. And he can develop for us the times when these messages arrived and where they arrived?

General MARSHALL. Yes. I had him recalled from one of the overseas theaters, and he is here available to you gentlemen.

General RUSSELL. Well, that answers that. I do not think I have any more questions.

General MARSHALL. I will go ahead a little bit further in this matter. I don't recall whether I was talking on the record or off the record as to the divulging of the information in these messages. Was that off the record?

General RUSSELL. Yes, sir; when you were here before——

General MARSHALL. No; I mean this morning, as I discussed [19] it here.

Major CLAUSEN. It was off the record, sir.

General MARSHALL. Off the record.

General RUSSELL. It was prior to our starting.

General MARSHALL. You say it was off the record, so I will mention that:

In preserving the secrecy of a procedure such as that referred to here of deciphering and making available to us the enemy's radio and other messages transmitted from commanders or governmental representatives, great care has to be exercised to protect the source and to continue it available for our better information. As I explained to you off the record, there were very few officers in the War Department, except those actually working on this type of information, who were aware that such a thing was going on. I cited as an example that General Arnold was not aware of this. He had the information that this situation was critical.

And I might illustrate that by explaining that I sent him to the West Coast; the exact date I don't recall, but it was just before the last—before the planes that were windbound at Hamilton Field that were due to go to the Philippines, and it was just before their departure. I felt that there was not enough energy and vigor being displayed in getting these B-17 Flying Fortresses under way. They were

to have cleared about the the first of November, but there was a delay of some weeks due to factory delays in delivery, according to the previous program on which we had based our plans. However, once they got out on the Coast there developed this other—this further, other, serious delay of several weeks due to adverse winds [20] which developed at an unexpected time of the year between San Francisco and Hawaii. But it seemed to me that they were not aggressive enough in trying to overcome the difficulties and get these planes through, which meant everything in the world to General MacArthur.

I, therefore, as I have said, sent General Arnold out to San Francisco to energize this procedure. He was aware that the situation was extremely critical. He called me up on the telephone and stated in effect, "These fellows don't realize how serious this matter is, but I think we can speed up the departure of these planes." He either told me that he had done this or I told him to do this—I don't recall now which way; nor does he—to line up these squadron commanders personally and drive them to the business of getting this thing done as quickly as possible.

Now, on their side there is this to be said. The Flying Fortress flights over to Hawaii and on to the Philippines were in their infancy. They were hazardous, and they were limited by certain factors that affected the procedure. That is, as I recall, the maximum load that the manufacturers calculated could be cleared from the ground was some 40,000 pounds, I think. General Frank will know about this.

General FRANK. Yes.

General MARSHALL. And later on they raised that by eight or ten thousand pounds. Well, that had to do, of course, with the amount of gasoline you could carry, and that bore very distinctly on the adverse winds over this twenty-four to twenty-seven hundred mile flight; and in some of the cases where they sent those planes through to the Philippines they [21] took out all of the armament in order to save weight, to make certain they could clear these great distances.

So that had its limitation on these men who were not flying out into the long spaces with the greatest, the lengthiest overwater flight at that time being considered, with the winds still most uncertain, and with the gasoline supply very distinctly limited, which probably or almost certainly had to do with the fact that when they did take off they didn't carry ammunition; they just had every gallon of gasoline they could get on the plane.

However, the point I wish to make is that General Arnold went out there at my direction, to energize this procedure, to impress them with the critical nature of it. But of course he would never have been instructed to tell them what our principal sources of information were, and he himself would not know that, because at that time he was not in the small group that knew just where all this information came from. He wasn't told the serious nature of the affair, but only those portions of it that were not involved with what we then termed as "magic."

We had our difficulties, which he has recalled to me and which I had forgotten, in getting these planes ready, because we couldn't go to the manufacturer and tell him that the Japanese were just about to declare war, because that would have been in a newspaper column in the next 24 hours, and our effort at the time was to extend our prep-

arations in every way we could by getting as many days of grace as we could in moving this first effect of quantity production, which had become available the latter part of July and particularly in August [22] and September, out to the Philippines, because, as you are probably already aware, the Philippine garrison had in effect literally nothing.

Their planes were obsolete. They had caliber .30 ammunition and 75 ammunition and a limited amount of antiaircraft ammunition, and an extremely limited number of antiaircraft guns; in fact, just a small number for Corregidor.

As an illustration of that, in looking up the records, I found—and then recalled very sharply—that Admiral Hart was pressing Admiral Stark to give him antiaircraft guns (that is, Army antiaircraft guns) to defend the anchorage at Cavite, because they had moved 29 large fleet submarines out there, to give better protection, and the minimum number was 18, I think. The only way we could get those guns was to take them from the antiaircraft regiments that we were training in this country, which virtually stopped their development because they had no guns with which to shoot; and also to take the ammunition, which was extremely limited, because we would have to give the greater allowance to the Navy because of the fact that they would be the first ones involved in a fight.

After I had procured these guns, antiaircraft guns for the Cavite anchorage, over the remonstrances of General McNair, who said we couldn't develop any antiaircraft at all if they took all our guns away in this country, the Navy then came across to get the guns for a certain number of marine expeditionary battalions to go to islands in the Pacific; and they took, as I recall, 16 of the 18 guns, or 18 of the 20. I don't know which way it was. I do know this, that it left us two to send Admiral Hart. So what we were trying to do to gain [23] time as to get this material into the Philippines.

As to Hawaii, that had the largest troop concentration we possessed, it had the maximum of material that we possessed, and we were accumulating the first fighter planes, of the type that we possessed at that time, in the Hawaiian garrison.

As to Panama: if the Hawaiian state of preparation in men and material was 100, Panama was about 25 percent, and the Philippines about 10 percent, and Alaska and the Aleutians completely negligible.

We were endeavoring at this time to get into some posture of defense in Anchorage and Kodiak Island, but we were first most seriously concerned about the deficiency in Panama because that would have a determining and catastrophic effect if the canal was cut; and, second, the critical deficiencies in the Philippine garrison and its isolated position.

I might say, going back quite a bit, that I returned to Washington from one of my numerous inspection trips at that time, as we were reforming the Army, and found on my desk at eight o'clock in the morning a draft of a letter to be sent by the Secretary of War replying to a letter from the Secretary of the Navy setting out the deficiencies (the military deficiencies, meaning Army deficiencies) in the Hawaiian setup. That letter is available for the record.

General RUSSELL. It is in the record.

General MARSHALL. It is in the record.

The draft of a reply prepared by the War Plans Division in effect stated that due to the fact that we did not have available equipment to be sent to Hawaii there was no prospect of our getting the additional items, the principal addition [24] items, much before October. I canceled this draft because I felt that it put the Secretary of War in a most unfortunate position. I did not at all like the letter, because our shortages were well known, and our obligations as to Panama and particularly as to the Philippines were also well known and had been frequently discussed. However, as I have just said, this letter put the Secretary of War in a very unfortunate position, and I felt that we would have to take some extraordinary measures to do something to further meet the situation.

We proceeded to take from most of the few fighter squadrons in the United States all but three of their planes, as I recollect. These planes we were collecting were P-36s, which was shortly to become obsolescent but was the best plane that we had at that time suitable for the operation in Hawaii. The P-40, a later plane, had some defect in the engine which caused frequent failures, and I thought that it would not do to send that plane out because most of the flights were over water, and a new P-40 was due in another month or two.

I arranged with Admiral Stark by telephone to have a carrier brought into San Diego in February, and we would concentrate the planes there and send them over on that carrier, a number sufficient to carry the Hawaiian P-36s up to 50 planes; and just how many—I think they had 19 and we supplied the difference. There were other things going by the same carrier, but for the marines.

I then directed General Arnold to take up with the Curtiss people the question of expediting their production program to produce the new model P-40, so that they would be [25] available for loading without crating, on a carrier in San Diego March the 15th. That date had to be taken because that was the only time they could bring the carrier in, for other reasons with which I am not familiar now.

He went to the Curtiss plant, or had the president of the Curtiss Company come here, and they went over the situation, and he stated that they could not advance the production rate. When General Arnold told me this, I told him to go to Buffalo and see them again and bring the heaviest possible pressure on them, which he did. They in turn undertook to do this thing, had a sort of inspirational talk in the plant, and produced the necessary P-40s which had to leave there, the last of them, by March 9th—I remember these dates very well—they reached San Diego in time to be embarked on the carrier.

There were also certain other items of antiaircraft, certain items of antiaircraft materiel, other guns, which were given advance dates; and a reply on that basis was prepared by the Secretary—was prepared for the Secretary of War's signature, which is available for your record, and you may now have it; I don't know. You should have it if you haven't.

General RUSSELL. Yes, sir; we have that under file.

General MARSHALL. However, in all of this the fact must be borne in mind that Hawaii was just one place that was exposed—that's the wrong word—that was on the Japanese front, and it was by far the best prepared that we had. It had enjoyed a position of No. 1 priority up until 1936, I believe. Thereafter the turn was made to get

something to Panama, but the Philippines during this period received nothing. I remember, as I recall, some communications from the Chairman [26] of the Board when he was in command of the Philippines. I recall General Sutherland, MacArthur's present Chief of Staff, coming to the United States and pleading for more materiel for the Philippines. You commented on, Did other people know this? I think we all knew that we were poverty stricken, and it was a question of who got the little that we possessed, and the problem was: Could we develop an army if all the materiel that was taken away from us which was essential to the development of an army. And then that moves us into the European tragedy that was developing in a most ominous manner.

General RUSSELL. Now, since we have gone into the question of equipment, has the General finished his statement on that point?

General MARSHALL. I think so, yes.

General RUSSELL. Well, now, since we have gone into that, there are a couple of questions that I might ask.

Is your testimony just given to be construed as meaning that the Commanding General of the Hawaiian Department had been furnished adequate materiel or agencies to conduct the necessary reconnaissance for his protection out there?

General MARSHALL. Yes, I think so, because at that particular time of December 1941, in contrast to the preceding year, the burden of the sea reconnaissance—I have forgotten the technical expression you use—

General RUSSELL. Distant reconnaissance.

General MARSHALL. Distant reconnaissance—was a naval function, and the Army Commander was liable to furnish them such of the planes suitable for that purpose that could be provided.

[27] General RUSSELL. But you were under the definite impression in late November and early December of 1941 that General Short had adequate reconnaissance agencies to carry out the desired reconnaissance of the island?

General MARSHALL. Yes. We had made every conceivable effort to deploy the radar out there ahead of other places. We had done everything we could to provide the means to carry out the air functions of that command, particularly as they were determined in the final agreement between General Short and Admiral Kimmel.

General RUSSELL. Did you at that time, General, think or believe that General Short had adequate weapons, ammunition, and other means for the discharge of his defensive mission in the protection of the Island of Oahu?

General MARSHALL. I did.

General RUSSELL. Very well, sir.

Now, not off the record, but we are just talking, not asking a question: As I interpret questions 3 and 4 of the letter of August 31st, they too will have to be subject to withdrawal from the record.

General MARSHALL. Yes.

General RUSSELL. And if you could go to question 3, as a mere suggestion.

General MARSHALL. All right.

This statement by a witness was given me to comment on:

That he was certain that several days prior to 7 December 1941 there was information in the War Department and the Navy Department that Japan would attack the U. S., and, very probably, that the [28] attack would be directed against the fleet at Pearl Harbor, among other places.

I have already referred several times to the information that we had and to our thought regarding it. However, prior to the 7th of December, '41, the War Department had no definite information that Japan would attack the United States. The possibility of an early hostile attack by Japan was foreseen. On the 24th of November the Chief of Naval Operations, after discussing the matter with me, warned the Commanders of the Asiatic and Pacific Fleets, as well as the Naval Districts on the Pacific Coast, of that possibility and instructed them to inform their Army officers. I understand that the Secretary of State told the Secretary of War on the morning of the 27th of November that conversations with the Japanese had been terminated with the barest possibility of resumption. As a result of this conversation the War Department on the 27th of November sent a warning to the Philippines, the Hawaiian Department, the Caribbean Defense Command, and the Western Defense Command.

These messages stated that future action was unpredictable but that hostile action was possible at any moment. The War Department had no information that an attack would be taken against the fleet at Pearl Harbor. There were many evidences of possible hostile intentions in the Far East and peculiar circumstances regarding the Japanese merchant shipping to pass through the Panama Canal.

Did I ever refer to that before?

General RUSSELL. Yes, sir; not in this morning's testimony.

[29] General MARSHALL. No. The other day.

General RUSSELL. But I think it was in your previous testimony.

General MARSHALL. Prudence dictated that warnings be sent by the War Department to those officers responsible for the defense of all our areas within reach of Japanese action. As a matter of fact, the information the War Department possessed at the time pointed to a Japanese movement towards the Malay Peninsula and the Philippines.

I have been given another statement by a witness:

That there was information in the War and Navy Departments on 6 December 1941 that the order of attack was momentarily imminent.

The limiting date for the Japanese envoys to complete their negotiations was November 29. That date had passed without overt acts except the continued movement down the China and Indo-China coasts, so far as we knew. I was not aware on the late evening or night of the 6th of December that a long intercepted message was coming in and was in process of being deciphered, translated, and transmitted to the Secretary of State. The final section of the message, I am told—and I think referred to previously in this hearing—was not completed until the early morning of the 7th of December.

I will further state that I have heard recently statements regarding knowledge of a Japanese fleet movement which was given us from Australia. We had no such information in the Department, that I ever heard of, on December 7th.

General RUSSELL. General Marshall, I believe that those questions conclude the prepared questions which must be [30] considered in connection with the general category which was described.

General MARSHALL. Yes.

General RUSSELL. Before we go off from that category of data, I have before me a statement from other sources of information which reached the naval authorities and which it is alleged was sent over to the War Department. I believe this would be a good place to call your attention to those four or five things and ask whether or not you have any recollection of having seen these messages and they are in the same category.

It is stated that on the 24th of November, 1941, the Navy learned that November 29, 1941, Tokyo time, was definitely the governing date for offensive military operations of some nature. "We interpreted this to mean that large scale movements for the conquest of Southeast Asia and the Southwest Pacific would begin on that date, because, at that time, Hawaii was out of our minds."

Now, do you have any recollection of the transmittal of any such information as that to your office by the Navy?

General MARSHALL. No, I haven't.

General RUSSELL. Continuing, the second message:

On November 26, we received specific evidence of Japan's intention to wage an offensive war against both Britain and the United States.

Was any such information as that communicated to you by the Navy?

General MARSHALL. Not to my recollection.

General RUSSELL. The third message: "On December 1, we [31] had definite information from three independent sources that Japan was going to attack Britain and the United States, and, from two of them, that Japan would maintain peace with Russia."

Now, do you recall any such information having been sent to you on December 1st from the Navy to that effect?

General MARSHALL. No.

General RUSSELL. Any such information having been sent you?

General MARSHALL. I do not.

General RUSSELL. Now, December 4th: "We received definite information from two more independent sources that Japan would attack the United States and Britain, but would maintain peace with Russia."

Do you remember any such information as that on December 4th?

General MARSHALL. No, I don't.

General RUSSELL. "At 9:00 p. m. (Washington time), December 6, 1941, we received positive information that Japan would declare war against the United States, at a time to be specified thereafter. This information was positive and unmistakable and was made available to Military Intelligence at this same time." Which would have been on the evening, at 9:00 p. m., of December 6th.

General MARSHALL. Would you read that again, please?

General RUSSELL. "At 9.00 p. m. (Washington time), December 6, 1941, we received positive information that Japan would declare war against the United States, at a time to be specified thereafter. This information was positive and unmistakable and was made available to Military Intelligence [32] at this same time."

I might interpolate here, in asking that question, that that probably refers to the—

General MARSHALL. Nomura message.

General RUSSELL. The Nomura message.

General MARSHALL. Well, I told you what I did about that.

General RUSSELL. Yes, there is probably an answer on that.

And this final message:

At 10:15 a. m. (Washington time), December 7, 1941, we received positive information from the Signal Intelligence Service (War Department) that the Japanese declaration of war would be presented to the Secretary of State at 1:00 p. m. (Washington time) that date.

That question has been read to you previously this morning and discussed by you.

General MARSHALL. Yes. I might say in regard to that last question, it says, "the Japanese declaration of war." I don't—that is a matter for personal opinion.

General RUSSELL. Well, I think it is the construction of the author here as to what was meant by the language—

General MARSHALL. Oh, yes.

General RUSSELL. —of that message that was delivered to you along with the Nomura message.

General MARSHALL. I was thinking of both the Nomura message and the other one. Whether the Nomura message was a declaration of war or not was—

General RUSSELL. Now, before we go away from the Nomura [33] message I would like to read to you the final paragraph of that message of December 7th which indicates rather strongly that they were—well, it just says they were through.

General MARSHALL. Yes.

General RUSSELL. They were sorry that an agreement couldn't be reached.

Do you recall now whether or not that paragraph had been translated and was in the message on Sunday morning, December 7th, when you had access to it?

General MARSHALL. I am pretty certain it was. In fact, I have assumed all the time that it was, because the message that I received that morning was the completed message, the last section of which had come in during the night. As I said before, my understanding was—though I am not the best witness on this, and I am indulging largely in hearsay—that the major portion of that message was delivered to the Secretary of State on the night before, although I don't know.

General RUSSELL. General, I am going to talk to you now, and I am going to describe a message to you that I am not too familiar with and that I can't talk too intelligently about. I just read it the minute before you came into the room, and maybe we can work something out of it together.

This same naval source from which I have been quoting stated that:

On the 4th of December, 1941, Commander McCollum drafted a long warning message to the Commanders-in-Chief of the Asiatic and Pacific Fleets, summarizing significant events up to that date, quoting the "Winds Message," and ending with [34] the positive warning that war was imminent.

Now, this is on the 4th day of December:

Admiral Wilkinson approved this message—

which I shall talk about in a minute more definitely—

and discussed it with Admiral Noyes in my presence. I was given the message to read after Admiral Noyes read it, and saw it at about three p. m., Washington time, on December 4, 1941. Admiral Wilkinson asked, "What do you think of the message?" Admiral Noyes replied, "I think it is an insult to the intelligence of the Commander-in-Chief." Admiral Wilkinson stated, "I do not agree with you. Admiral Kimmel is a busy man,"

and so forth.

Now, to come to the message itself:

The "Winds Message" was received in the Navy Department during the evening of December 3, '41, while Lieutenant (junior grade) Francis M. Brotherhood, U. S. Navy Reserve, was on watch. There was some question in Brotherhood's mind as to what this message really meant because it came in a different form from what had been anticipated. Brotherhood called in Lieutenant Commander Kramer, who came down that evening and identified the message as the "Winds Message"—

General FRANK W-i-n-d-s?

General MARSHALL. You are trying to find out what that is.

General RUSSELL. "Winds Message."

General MARSHALL. I can explain it.

[35] General RUSSELL. (Reading):

—we had been looking for. The significant part of the "Winds Message" read:—

There are a lot of Japanese words which I can't pronounce.

Now, then, after reciting the Japanese words the recitation continues:

The meaning of this message from the previously mentioned tip-off was: "War with the United States. War with Britain, including the N. E. I., etc. Peace with Russia".

Now, apparently the memorandum from which I have been reading attaches considerable importance to this message which they describe as the "Winds Message." Do you know any connection that the War Department may have had with that message or whether or not it was ever transmitted to the War Department?

General MARSHALL. We were aware, as I recall, that the Japanese had instructed their people that a certain reference to—was it winds or weather?

To winds.

General GRUNERT. Winds and weather.

General MARSHALL. Winds and bad weather. —would occur in an ordinary broadcast and would be repeated in a certain number of times, and things of that sort; and that when that occurred certain things were to be done, and as I recall one of them was the destruction of their code machines. I have forgotten, or I do not recall at the moment, the particular—the other implications of that message. However, I was aware of it a few days before when I was before the Naval Board, [36] because they had the actual deciphered code, you see, which had been intercepted, which gave this information. And I might add that the interest there before the Naval Court was, when we picked up this broadcast conveying this particular information. The records of the War Department show that prior to December 7th none of our monitoring services had picked up such a Japanese broadcast.

Oh, here it is; I have the message. On the 28th of November 1941, a Japanese message was deciphered and translated which read as follows:

From Tokyo to Washington, 19 November 1941.

Regarding the broadcast——

I would like to refer there: if you look at the date you can see how long a time it took to get these things processed, the great difficulty with the means then available to do it.

Regarding the broadcast of a special message in an emergency.

In case of emergency (danger of cutting off our diplomatic relations) and the cutting off of international communications the following warnings will be added to the middle of the daily Japanese-language shortwave news broadcast:

Subparagraph 1. In case of a Japanese-U. S. relations in danger: Higashi no kaze ame (translated that means "East wind rain").

Subparagraph 2. Japanese-U. S. S. R. relations: Kita no kaze kumori (North wind cloudy).

Subparagraph 2. Japan-British relations: Nishi no kaze hare (West wind cloudy).

[37] This signal will be given in the middle and at the end, as a weather forecast, and each sentence will be repeated twice. When this is heard please destroy all code papers and so forth. This is as yet to be a completely secret arrangement.

Forwarding as urgent intelligence.

In subparagraphs 2 and 3 they do not repeat the "In case," but that is implied. That finishes the message.

I am told, or I am informed, that on the 28th of November, 1941, Colonel Bratton, who was in charge of all these secret matters and who, as I stated, is available here for the Board, made arrangements for listening for Japanese broadcasts that might include this code. These arrangements were made through Colonel Sadtler, then in the office of the Chief Signal Officer, who put Colonel Bratton in charge with a Mr. E. G. Sterling, then Chief of the National Defense Operations Section of the Federal Communications Commission. The F. C. C. did thereafter monitor Japanese broadcasts for the purpose of determining if the Japanese sent a message using the "Winds" code. Colonel Bratton was unable to find that a—our records do not show that a Japanese message using the "Winds" code was intercepted by the F. C. C. or the Army Signal Corps until after Pearl Harbor.

It appears from the record that on the 5th of December, '41, Colonel Sadtler, in the office of the Chief Signal Corps Officer, was informed by Admiral Noyes, Naval Communications Officer, that a Japanese message using the "Winds" code had been intercepted the previous night and that the message decoded meant that Japanese-Great Britain relations were to be [38] broken; that on December 5, 1941, Colonel Sadtler so informed General Miles, Colonel Bratton, General Gerow, Colonel Gaily, General Gerow's executive officer, and General Bettlesmith, who was then Secretary of the General Staff, but that General Miles or Colonel Bratton never informed General Marshall personally of this Sadtler information.

The presumption, of course, is that Colonel Smith informed me.

We find in the records that Colonel Bratton prior to this time had been informed by the Navy that Commander Rochefort of the 14th Naval District knew all that our own Navy Department knew about the "Winds" code message, and that on the 5th of December he caused the following message to be sent to the Commanding General, Hawaiian Department:

(Message of December 5, 1941, to the commanding general, Hawaiian Department, in re Japanese "Weather" broadcasts from Tokyo, is as follows:)

Contact Commander Rochefort immediately through Commandant 14th Naval District regarding broadcasts from Tokyo reference weather.

The record shows that General Miles and Colonel Bratton were, on the 5th of December, 1941, and had been for some time prior thereto, expecting a break in Japanese-Great Britain relations.

You remember, I commented on the fact that we didn't know their method of going down the Indo-China coast. They were trying to keep us from a war break and involve only Great Britain.

I find that no officer of the Navy advised General Miles [39] or Colonel Bratton that any mesage implementing the "Winds" code had been received by the Navy.

General RUSSELL. Well, there seems to be some conflict because, as I interpret the message that you have just read, our people reached the conclusion, based on what they knew, that the only executive flash on this code that had been made indicated that there would be a break with Britain only.

General MARSHALL. That's the——

General RUSSELL. That is the sense of that message?

General MARSHALL. Yes.

General RUSSELL. While the Navy people's report from which I am reading now indicated that war was to come with the United States and with Britain, but not with Russia.

General MARSHALL. Well, that is the actual mesage that I read to you.

General RUSSELL. Yes, we have it here. I think there is a little conflict between that interpretation and this interpretation, and might I inquire——

General MARSHALL. What do you mean by "interpretation"?

General RUSSELL. The Navy people say that the executive order, whenever it came in—and they alleged it came in on the 3rd of December—executing the code words which were intercepted apparently on the 28th of November, interpreted, meant that war was coming with the United States and with Britain, but not with Russia; and the message which you have just submitted to the record, as I remember it, was to the effect that trouble would come with Britain alone.

General MARSHALL. The Chief of Army Intelligence, G-2, [40] General Bissell, informs me that from the records it appears that Colonel Sadtler of the Signal Corps was informed by Admiral Noyes, Navy Communications Officer, that a Japanese message using the "Winds" code had been intercepted the previous night and that the message decoded meant that Japanese-Great Britain relations were to be broken.

General RUSSELL. Well, I think the materiality there is that they transmitted, according to that statement, to the War Department information that the relations with Britain would be broken, and did not report our relations with Japan; and in the document from which I am reading they stated that we would be included in the break.

Now, so far as I know, these are the questions which have been developed, the answers to which might involve, or might have involved, disclosing the source, which we do not want to disclose.

Before going away from it I want to ask this question, in an effort to connect this information with the Commanding General of the Hawaiian Department: You had come to the definite conclusion some time in the fall of '41 that war with Japan was inevitable?

General MARSHALL. That is correct.

General RUSSELL. General, can you recall about when you reached that conclusion?

General MARSHALL. It is awfully hard to recall these things.

General RUSSELL. It was a gradual sort of process of reasoning?

General MARSHALL. It was a gradual process. There was [41] this thought, of course, woven in all of this matter: That the Japanese would attain every conceivable advantage before an actual state of war was on, and our problem was how to handle that phase of the matter. I have referred a little while ago to the fact that they had made movements in Manchuria; they had done things in China; they had very recently, as of 1941, gotten themselves installed in Indo-China; they had made what internationally would be characterized as outrageous moves; and nobody had done anything about it, and they were acting very much on that presumption, that nobody would do anything about it. Great Britain was so heavily involved and at that time was in such dire circumstances in its war with Germany that they felt that there would be every reluctance on the part of the British to become involved in a war with Japan; therefore, they could take the greatest possible liberties in what they did.

The same, for a slightly different reason, applied to the United States, so far as public opinion was concerned, I think the Japanese were capitalizing on the belief that it would be very difficult to bring our people into a willingness to enter the war. That, incidentally, was somewhat confirmed by the governmental policy on our part of making certain that the overt act should not be attributed to the United States, because of the state of public mind at that time. Of course, no one anticipated that that overt act would be the crippling of the Pacific Fleet.

My own thoughts were, I believe, roughly of this nature: That the Japanese were going to take every conceivable advantage and finally would reach the point where they could [42] safely declare war, involve us in war, and get all the other things they were after: that they would go as far as possible before they did that, which would certainly seem to be the part of wisdom.

I also felt this, from the information that we were receiving: that they were now getting in a highly nervous state because of the arrival of supplies in the Philippines. I recall one of the "magic" messages which went to the Japanese Consul General in Manila to check up immediately on the presence of Flying Fortresses in the Philippines. We apparently had gotten them in there without their knowing it, and it was quite a long time before any evidence of their knowledge of those Fortresses being there. Just how that could be managed, I don't know. He also was reporting to them the tremendous unloading procedures being carried out at night and the movement of things at night from the docks, and everybody barred from the vicinity, which accumulated in my mind the thought that they were in a critical posture as to what they must do to prevent us from building up further in the Philippines.

Our own belief was that, once we got the planes out there, and particularly these convoys that were then on the Pacific, which had, compared to what the Philippines already had, a wealth of material that they would absolutely lack, that the Japanese would be in an extremely delicate strategical position in trying to carry out any enterprise to the south of the Philippines. That was a matter of conjecture as to the potency of a force of heavy bombers numbering nearly a hundred, [43] the largest we ever had gathered together up to that time, and their ability to range far and wide over the ocean, and their assumed ability to bomb successfully moving naval vessels.

So in my mind the question was when they would turn from offensive infiltrations to acts that would absolutely develop a state of war. Connected with my thoughts in this matter was the fact that the campaign in Russia was proceeding at a most remarkable rate. The great offensive of the German Army at that time gave the impression that Russia was about to be overwhelmed. And if you look back you will find that Hitler had announced that the capture of Moscow would occur, I think, about December 15th. And as a matter of fact I think what happened was, the Japanese became committed to all these things and the final overt acts on their part in the firm belief that the German Army was going to eliminate Russia, which of course was a very pertinent consideration from the Japanese point of view, considering the Russian force then on the Manchurian front and the great threat to Japan's security if a strong Russia was established in that vicinity. So that it was a problem, in my mind, of detecting when they would pass from this progressive infiltration to acts that absolutely provoked war.

What they were doing, which from the technical point of view is interesting and relates to this matter, was building up all of their installations. For example, when they started in their operations against the Isthmus of Kra, the Malay Peninsula, down to Singapore, they had already established in Indio-China their air bases, their bombs, their gasoline. Everything was read, and it permitted them to concentrate [44] great force and to give covering, air cover, to all their transport movements that were coming down there.

The desperate situation of the British was indicated by the loss of their two great battleships, the RENOWN and the PRINCE OF WALES, while undertaking to sink those Japanese convoys without air coverage. Air coverage was practically nonexistent, with no way of providing them. But the Japs were set up.

And as an example of what that means, we on our side, when we became involved in the development, immediately after December 7th, of air forces from Australia and Sumatra and Java, Bali, and those other islands, including Borneo—we had no ground installations at all. It was with the greatest possible difficulty that we could operate the planes, because we didn't have personnel on the ground to keep them going. The Japanese had done all that beforehand. Our losses in planes were very heavy, in particular, because we had no adequate ground installations, either in mechanics or fields or bombs or anti-aircraft guns, and we just lost all over the place on that basis. Now, the Japanese were accomplishing all that without becoming involved

in war. The problem, then, was how long they would go ahead on that basis.

General GRUNERT. May I suggest that we have a slight pause at this point.

(There was a brief informal recess.)

General RUSSELL. I think I shall change the question and ask if it is a fact that you came to the conclusion some time in the fall of 1941, and prior to November 1st, that war with Japan was inevitable.

[45] General MARSHALL. I came to that conclusion, I think, about that time, but as to when the Japanese would carry their actions to the point of actually provoking war, I was still in a state of uncertainty because of the methods they had employed in all their previous maneuvers. And I might add; and I was also uncertain as to whether or not they might not endeavor to maneuver in such a way that they would provoke the English, in the hopes that we would not participate with the British.

General RUSSELL. Now, General, when in that critical period in the fall of '41 did you reach a firm belief that war with Japan was imminent?

General MARSHALL. Was the question when?

General RUSSELL. When, in that particular period of time?

General MARSHALL. I couldn't give you an actual date. The whole period from July onward was one of terrific effort on our part to build our fences as quickly as we possibly could, and also to have the State Department do all in its power to prevent a rupture.

General RUSSELL. General, you had reached the conclusion on the 27th of November of '41 that war with Japan was imminent?

General MARSHALL. Oh, yes. I wasn't here on the 27th of November, but that would be my conclusion.

General RUSSELL. Yes.

General MARSHALL. But even then I must state that just when they would provoke an open rupture was still—

General RUSSELL. Debatable?

General MARSHALL. Still debatable. If you read these "Winds" messages, they were talking about the rupture of [46] diplomatic relations, and very remarkable things had been done under a rupture of diplomatic relations while still evading an actual act of war; and just how far they would play on the American public's reluctance to engage in a war, and the British unwillingness to further extend their slender resources, was quite a problem.

General RUSSELL. Well, do you believe that the information as to Japanese activities, conduct, movements, and so forth, which you have described rather fully this morning, which reached you from secret sources, influenced your thinking as to the inevitability and the probable imminence of war?

General MARSHALL. Yes.

General RUSSELL. Would it have been possible and feasible to have sent the substance of this secret information to the Commanding Generals of the Overseas Departments by courier or otherwise, thereby avoiding the danger of exposing the codes that you were striving so diligently to protect?

General MARSHALL. It was both practical and feasible, but I felt then that it was unwise. I would say now, considering what has happened, that the situation might well have been helped by translating

that information to them. In our own view, an alert of the character, particularly the character of the two that occurred at that time, the Naval alert and then the later Army alert, were sufficient for any Commander with a great responsibility; and in addition to that you must remember that we were pouring through Hawaii, on the way to the Philippines, convoys, rushing everybody. Everything was being pushed to the last extreme. Nobody could look at [47] that without realizing that something very critical was in the wind. Our great problem was how to do these things, energized in the way we were—the shipments, and collecting the means and getting them out, particularly to the Philippines, which passed entirely through Hawaii—without giving such notice to the Japanese that it would have an unfortunate effect in our stalling off this affair.

Undoubtedly they did obtain that view. I think they were rushed in their decision by the fact that if they didn't catch it, didn't act within a certain period of time, it would be too late: we would have gained the necessary strength to make it undesirable, to make it too dangerous for them to act. All of that was apparent to the Commanders in the place. Only the most critical necessities would have involved us in taking over all that commercial shipping, in pushing these troop movements, in pushing the cargo shipments, in taxing the Pacific Fleet's resources in providing convoys. Everything was involved there at the time, and I cannot see how—I never have quite understood how the change from a great fear, as expressed in all the previous communications, of an air assault, suddenly seemed to lapse. I don't know what the explanation of it is, and I myself have never discussed it.

I went ahead with the war, in the next two hours, and have kept at it ever since, and didn't go into this thing at all. For instance, the voluminous report like that is entirely beyond my capacity. I was busy with the war with Japan and Germany. And I have also thought it was wise that I shouldn't discuss the thing. And I have been brought into it now. In a limited way I have familiarized myself as far as the documents [48] permitted me to do, but I must say even now it is a very sketchy thing on my part.

General GRUNERT. Are there any other questions?

General RUSSELL. I have been developing this end of it, and we have had no meeting to consider final conclusions, and whatnot. In my opinion, based on the record as it now stands, and the new stuff that is coming in to us, there are several other subjects which should be submitted to General Marshall and that he should discuss with us. From the War Department standpoint I think we should discuss them, and from the Board's standpoint I think we should have them. I have prepared a few questions on them, and I have the definite feeling that the record is going to have an incompleteness about it as to those things unless we do get General Marshall's opinion on them; and if they are not discussed by him I shall be inclined to dictate into the record those things which I think should have been discussed with the Chief of Staff. I know he has to go now, but I am just wondering if he cannot come back at a later time.

General MARSHALL. I'll tell you, I am going to see the Chinese official right now, I am going to the combined Chiefs of Staff at two-thirty, and I have to get ten minutes with the U. S. Chiefs of Staff on

a most critical matter before then. I have to see the Ambassador that is going to France. I am leaving.

General GRUNERT. It appears necessary, then, that we ask you for about another hour early next week.

General MARSHALL. Well, it will have to be early because confidentially I am leaving for France on Tuesday, and I have [49] to go.

When I appeared before the Board before, there were certain communications that I said I would have looked up that passed between myself and General Short prior to the attack on Pearl Harbor. I have had them collected, and here they are (indicating).

General GRUNERT. If there are any additional questions that we have on our urgent agenda that have not been answered, then we shall ask them Monday, complete the thing Monday.

General RUSSELL. The memorandum submitted by the Board to General Marshall on August 31, 1944, is as follows:

(Memorandum dated August 31, 1944, Army Pearl Harbor Board to General George C. Marshall, is as follows:)

31 AUGUST 1944.

Subject: Army Pearl Harbor Board Investigation.

To: General George C. Marshall, Chief of Staff, U. S. Army.

1. Since your appearance before the Board it has heard much testimony and has examined many documents. As a result information, apparently material, has been brought to the attention of the Board, which it did not have when you testified. Hence the Board requests that you subject yourself to a rehearing as early as possible after the Board's return to Washington, D. C., now scheduled for Sunday, September 24, 1944.

2. The particular subjects on which the Board would like to get additional information follow:

[50] a. A witness before the Board stated that it had come to his knowledge that vital information in the hands of the War and Navy Departments on the following subjects was not supplied to responsible officers in Hawaii:

(1) That the War and Navy Departments knew that Japan had set a deadline of 25 November, later extended to 29 November for the signing of an agreement, after which they would take hostile steps against the U. S.

(2) That on the 26th of November an ultimatum was delivered to Japan by the U. S.; that this was done notwithstanding a joint recommendation to the President by General Marshall and Admiral Stark that no ultimatum of any kind should be made to Japan.

(3) That he (the witness) was certain that several days prior to 7 December 1941 there was information in the WD and the Navy Department that Japan would attack the U. S., and, very probably, that the attack would be directed against the fleet at Pearl Harbor, among other places.

(4) That there was information in the War and Navy Departments on 6 December 1941 that the order of attack was momentarily imminent.

(5) That early on 7 December 1941 the precise time of the attack was known. It was known three or probably four hours before the attack.

b. Particular reasons, if any, which prompted the selection of General Short for the command [51] of the Hawaiian Department.

c. Knowledge possessed by the Chief of Staff as to the means available to General Short for reconnaissance, and as to the effectiveness of the reconnaissance being conducted.

d. Whether the Chief of Staff knew that between 27 November and 7 December 1941 the Alert in effect in the Hawaiian Department for the Army forces provided security against sabotage only.

e. Whether there were any restrictions imposed upon the War Department relating to its activities in the Pacific by either the President or the State Department? Specifically, were the injunctions to commanders in the Pacific area to avoid commission of the first overt act, alarming the population in Hawaii, disclosing intent, etc. the result of instructions from such sources?

f. Reasons for not using the telephone to inform General Short of the information contained in the Chief of Staff's radiogram of 7 December 1941.

3. On your former hearing the Board understood that you would direct a further search of War Department records to determine whether or not there were other communications between you and General Short in 1941 than those about which you testified. The Board has not been informed as to the results of that search.

4. As to the five subjects listed in paragraph 1 *a* this letter, if in your opinion the Secreary of War has information thereon that you may not have, will [52] you please transmit those subjects to him to be added to the subjects on which the Board hopes to have him testify.

For the Board:

GEORGE GRUNERT,
Lieutenant General,
President.

(Thereupon there was a brief recess.)

[TOP SECRET]

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¹ Pages referred to are represented by italic figures enclosed by brackets and indicate pages of original transcript of proceedings.

[TOP SECRET]

[54] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

SATURDAY, SEPTEMBER 30, 1944

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 10:45 a. m., pursuant to recess on Friday, September 29, 1944, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

TESTIMONY OF RUFUS S. BRATTON, 03726, COLONEL OF INFANTRY,
HEADQUARTERS COMMANDANT: COMMANDING OFFICER,
SPECIAL TROOPS, HEADQUARTERS, THIRD ARMY, E. T. O.

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station?

Colonel BRATTON. Rufus S. Bratton, 03726, Colonel of Infantry, Headquarters Commandant; Commanding Officer, Special Troops, Headquarters, Third Army, E. T. O.

General GRUNERT. In the particular part of the [55] investigation that we have, concerning what you may know something about, General Russell, here, will conduct the examination for the Board, and then the Board will piece out, wherever it sees fit. General Russell.

General RUSSELL. What was your assignment in 1941?

Colonel BRATTON. Chief of the Far Eastern Section G-2, War Department.

General RUSSELL. As such, in discharge of your duties in that assignment, were all secret messages relating to the Japanese situation received by the War Department, from whatever source, made available to you?

Colonel BRATTON. General, before replying to that question, I have been cautioned by G-2 to remind the Board that my answer bears upon documents which are now classified as top secret, and the answer is yes.

General GRUNERT. For the information of the witness, your testimony today on these matters will be separately recorded and treated as top secret.

Colonel BRATTON. Yes, sir.

General RUSSELL. Your answer would be yes?

Colonel BRATTON. Yes, sir.

General RUSSELL. That, then, definitely stated, would involve information which reached the War Department as a result of the decoding of Japanese information, data, and messages?

Colonel BRATTON. The decoding and deciphering of certain Japanese diplomatic correspondence.

General FRANK. Intercepted?

Colonel BRATTON. Yes, sir.

[56] General RUSSELL. Colonel, do you know what agencies during the latter part of 1941 were engaged in the interception of such messages as your last answer described?

Colonel BRATTON. Yes, sir; the S. I. S. of the Signal Corps.

General RUSSELL. Would you tell us what that is?

Colonel BRATTON. Sir?

General RUSSELL. Would you explain, define "S. I. S."?

Colonel BRATTON. Signal Intelligence Service.

General RUSSELL. Yes.

Colonel BRATTON. The Signal Corps; and the code encipher section of naval communications.

General RUSSELL. Are those the only two agencies made available to you who intercepted Japanese information in the latter part of 1941?

Colonel BRATTON. That is correct, sir.

General RUSSELL. Colonel, possibly before I asked that question I should have made a preliminary statement that there is some information before the Board as to activities of the Federal Communications Commission. Do you recall any intercepted Japanese information reaching the War Department from that source?

Colonel BRATTON. No, sir; to the best of my knowledge and belief they were not engaged in that type of work, legitimately or otherwise.

General RUSSELL. But it is your definite recollection that no information came to you, in the capacity which you have just described, from that source?

Colonel BRATTON. Not that type of information, General. [57] Shortly before the attack on Pearl Harbor it came to our knowledge that the Japanese, by means of certain code phrases which they would inject into their weather broadcasts from Tokyo, would have a certain significance. Knowing that the F. C. C. monitored all those broadcasts from a station on the West Coast, I made arrangements through Colonel Sadtler of the Signal Corps to have these weather broadcasts monitored by the F. C. C. station, which at that time I believe was in Portland, Oregon. I made arrangements with certain officials of the F. C. C. to call me on the telephone immediately in the event this code which I knew of was monitored or intercepted. They had my telephone number at the office and at my home. They did call me on one or two occasions repeating what appeared to be this weather code signal which I was waiting for. Examination of the

intercept, however, disclosed that it was not the code that I was looking for. That is the only direct contact that I have had with the F. C. C. or any of its officials.

General RUSSELL. About when were these two messages delivered to you by the F. C. C.?

Colonel BRATTON. During the first week in December, sir.

General RUSSELL. I want at this point, because I think it is related, to discuss with you the message which has on occasions been referred to as the "Winds" message, spelled in our record W-i-n-d-s.

Colonel BRATTON. Yes, sir.

General RUSSELL. And ask whether or not the information delivered to you by the F. C. C. on either of the two occasions [58] related to that "Winds" message, if you are acquainted with the "Winds" message.

Colonel BRATTON. They related to it, but they were not transmissions of the code that I was waiting for, sir.

General RUSSELL. On yesterday, Colonel, General Marshall was before the Board, and General North. There was read into the record a statement as to this message that we are discussing now, the "Winds" message. Did you prepare that statement or talk about its contents? The reason I am asking you that, I want to shorten this investigation if I can.

Colonel BRATTON. I don't think I know about the communication that you speak of.

General RUSSELL. All right. I am talking about the statement that General Marshall had relating to the "Winds" message. It evidently was prepared for him by some member of his staff.

Colonel BRATTON. It was not prepared by me, sir.

General RUSSELL. Not by you. Now, did you ever get information, from any source, relating to this, I will call it, weather intercept about which you have testified that you made some request on the F. C. C.?

Colonel BRATTON. As I have stated, sir, I got several reports from the F. C. C. about an intercept of a weather broadcast which they thought might be what I was looking for. The message that I was waiting for, that is, the one which, deciphered, would indicate a break in the relations between Japan and the United States, never reached me from any source whatever prior to the attack on Pearl Harbor. I had conversations on one of two occasions with Colonel Sadtler [59] of the Signal Corps, with Lieutenant Kramer of the Navy, and with Commander McCullom of the Navy, the latter being my opposite number in O. N. I., concerning messages that had been picked up, either by the Navy or by the F. C. C., containing weather broadcasts and containing phrases similar to those that we were waiting for.

On the morning of December the 5th I have a vague recollection of a meeting in General Miles's office where Colonel Sadtler was present, in which he said something to the effect that the message had come through. Questioning developed the fact, however, that the message he was talking about was one which indicated a break in diplomatic relations between Great Britain and Japan. That was beside the point at that time because it was our belief that relations between Japan and Great Britain were on the point of rupture and had been for several days. The message that we were waiting for was one which would indicate a break in relations between Japan and

the United States. I never received that message from any source prior to the attack on Pearl Harbor.

General RUSSELL. Colonel, I am going to show you a discussion of this message of December 4. I think we can take it up about here (indicating) and read down to that point. Will you please read that, and after which I will ask you a question or two.

Colonel BRATTON. This message never reached me, sir, prior to the attack on Pearl Harbor, nor, to the best of my knowledge and belief, did it reach any other official of G-2 or the War Department.

General RUSSELL. Have you seen that message, Colonel, at [60] any time before this morning?

Colonel BRATTON. No, sir.

General RUSSELL. Did you know of its existence at any time until this morning?

Colonel BRATTON. Only by hearsay, since my return to Washington recently.

General RUSSELL. And by "recently" you would mean within—

Colonel BRATTON. Within the last two weeks, sir.

General RUSSELL. Two weeks. This is not, then, the message which the Federal Communications Commission sent to you thinking that it was the "Winds" message which you were expecting and very desirous of having?

Colonel BRATTON. No, sir.

General RUSSELL. This is an entirely different message?

Colonel BRATTON. Yes, sir.

General RUSSELL. Now, are you familiar enough with the code words used in the message which I have just exhibited to you, and which you have just read, to state to the Board whether or not the translation and interpretation of those code words has been correctly done there?

Colonel BRATTON. As to the first phrase, "Higashi no kaze ame," that has been correctly translated.

General RUSSELL. And what was that translation?

Colonel BRATTON. War with—it meant a break in diplomatic relations between Japan and the United States. The code message that we intercepted and deciphered did not say that when this "Winds" message came through it meant war. It did say that it meant a break in diplomatic relations. Stop.

[61] I believe that the second phrase, "Nishi no kaze hare," is correctly translated: War with Britain: that is, a break in diplomatic relations between Japan and Great Britain.

And I believe that the third phrase has also been correctly translated, meaning that there will be no break with Russia.

General FRANK. You were a language student in Japan, weren't you?

Colonel BRATTON. Yes, sir.

General FRANK. Therefore, you are conversant with the Japanese language so that you can actually translate those phrases?

Colonel BRATTON. Yes, sir.

General RUSSELL. For the purpose of the record, I will state that the message which the Colonel has just been discussing with the Board is a message which appears in the testimony of L. F. Safford, who at the time of giving the testimony was a Captain of United States Navy, this testimony being given on April 29, 1944; and the portion of the

testimony containing the "Wind" message which the Colonel has just discussed appears on page 361 of the record which is being used in questioning the witness.

Now, Colonel, going away from the "Winds" message, which we apparently have exhausted, unless you have some other suggestion to make about it.

Colonel BRATTON. I have an additional statement to make, if I may, sir.

General RUSSELL. About this particular message?

Colonel BRATTON. About this code, this "Winds" code.

[62] General RUSSELL. Very well. I think it would be well to make that here.

Colonel BRATTON. There were several codes sent out by the Japanese foreign office at about this time, to their diplomatic officials abroad, which they hoped to use in the case or in the event of a sudden rupture of communications. There were several versions of this wind and weather code sent out. I discussed these codes with my opposite number in the O. N. I., Commander McCullom, on a number of occasions. Learning from him that they were monitoring the Japanese communication system in Honolulu as a function of naval communications, and learning also from him that their expert there was a Commander Rochefort, who was thoroughly familiar with the whole matter, I deemed it advisable, on or about the 5th of December, to have our G-2 in Honolulu contact Commander Rochefort, with the end in view that the latter could explain to G-2 what it was we were waiting for, and could explain to him orally, with complete security, the significance of the message. G-2 did send a message.

General FRANK. G-2 in Washington?

Colonel BRATTON. G-2, the A. C. of S. G-2 in the War Department, then General Miles, upon my recommendation, did send a message to G-2 in Honolulu, on or about the morning of the 5th of December, directing him to contact immediately Commander Rochefort with respect to the significance of certain weather broadcasts coming from Tokyo. That document is available in the files of G-2 now, sir. The message did go out. I did it this way as a means of saving time and for security reasons.

[63] That is all I have to say on that point, sir.

General RUSSELL. Have you a copy of that message of G-2 of the Hawaiian Department with you there?

Colonel BRATTON. Not in my possession, sir, but it can be secured from Colonel Clarke.

General RUSSELL. Colonel, before we go away from this line of questioning which we are doing now upon codes—and it has been suggested by your last statement: You say that there were a number of Japanese codes in existence in this critical period of late November and early December of '41?

Colonel BRATTON. Yes, sir. I recall from memory, as an example, one that was to be used in telephone conversations.

General RUSSELL. We have had some evidence before the Board which has left the Board—I wouldn't say left the Board, but left me—somewhat confused. Is it true, or not, that the Japanese code which was broken about this time in '41 is the same code which is in existence now?

Colonel BRATTON. I can't testify on that of my own knowledge, General. I have been away from Washington for over a year.

General RUSSELL. Well, the last time you were in contact with that code, we will say a year ago, was that the same code that the Japanese armed forces were using or that the Japanese Empire was using in 1941?

General FRANK. In other words, had they changed the code, to your knowledge?

Colonel BRATTON. Over a period of some six years when I handled these matters for G-2, the Japanese changed their codes and ciphers a number of times. It held us up for periods of [64] from two to six weeks, as a rule, before we could get the hang of the change. At the time I left Washington, to the best of my knowledge and belief, we had not broken any Japanese military code or cipher. We had broken several of their diplomatic codes and ciphers and one or more of their naval operational codes and ciphers.

Does that answer your question, sir?

General RUSSELL. Yes. I think one more question will clarify it, because we shall talk cases.

Let us assume, for example, that the Japanese authorities knew this morning that we or the American forces had broken the code, to the place that we could interpret these code words which you have just interpreted for us. Would that indicate anything to the Japanese authorities today which might cause them to take any action of any kind?

Colonel BRATTON. Yes, sir. I think, if I understand your question, if the Japanese knew today that we were reading any of their codes or ciphers, they could so effectively change them as to make them unreadable from now on over a period of considerable time.

General RUSSELL. Two to six weeks?

Colonel BRATTON. Such an act on their part might well prolong our war with Japan much longer than necessary.

General RUSSELL. I think the question that I was attempting to ask, I probably did not ask: This code that you have just interpreted for us, and from the record that we exhibited—are those code words being used by the Japanese today?

Colonel BRATTON. Not to my knowledge, sir.

[65] General RUSSELL. If they knew, therefore, that we had intercepted these messages and had broken that code at that time, it would convey to them no information as to whether or not we had broken the code which they are using today, would it?

Colonel BRATTON. Oh, yes, sir. it would, because these code phrases are a code within a cipher. I didn't make that clear. The whole message about this "Winds" signal was in a very secret cipher, and these code expressions were contained in that. This was their most secret cipher, and it contained a code which was to be broadcast as part of a weather broadcast.

General RUSSELL. And they are continuing to use that cipher?

Colonel BRATTON. Yes, sir.

General RUSSELL. And this would disclose the fact that we did have information on that secret cipher which they do not know that we have, if they should learn that we have picked this up?

Colonel BRATTON. That is correct, sir.

General RUSSELL. Yes.

General GRUNERT. Therefore, the danger of any leak exists now as much as ever?

Colonel BRATTON. Sir?

General GRUNERT. Therefore, the danger that any leak of this thing might affect the war effort exists now as it has in the past?

Colonel BRATTON. Yes, sir.

General FRANK. In the answers to the questions that General Russell has asked you I notice in each instance you [66] said that you did not get any information on this prior to Pearl Harbor. Did you get any information on this since Pearl Harbor or just after Pearl Harbor? Was there any point in your putting into your answer the phrase that you did not get this prior to December 7th?

Colonel BRATTON. Yes, there is this point to it: My recollection is very definite to the effect that I did not get it prior to the attack on Pearl Harbor. It may have been made available to me thereafter, and it would not have made much impression on me at that time because the attack had been made; it would no longer have as much significance in my mind.

General FRANK. You stated in one of your answers that Colonel Sadtler had made a report that there had been some Japanese broadcast of a "Winds" message.

Colonel BRATTON. Yes, sir.

General FRANK. What was the substance of that?

Colonel BRATTON. My recollection of that is very vague, General, and I have discussed the matter with General Miles, and his memory is equally vague. I have seen a statement made by Colonel Sadtler to the effect that on the morning of the 5th of December 1941 he went to General Miles with the oral statement that the "Winds" implementing message had been received by the Navy. He says that General Miles then sent for me and the three of us discussed it in General Miles' office. Colonel Sadtler further stated that he got his information from Admiral Noyes of the Navy, and it was to the effect that the phrase had come through which meant a break in the diplomatic relations between Japan and Great [67] Britain. I don't remember the incident. Colonel Sadtler is so positive in his statement, however, that something of the sort must have happened. But the point I wish to emphasize is this: we knew that relations between Japan and Great Britain were on the point of being broken at any minute. We had been telling everybody so. That is not the message that we were waiting for. The one that we were waiting for was one which would indicate a break between Japan and the United States.

General FRANK. Since you were waiting for this, and you did have some information on a message that did come through, so far as you remember you did not investigate it further to find out if the "Winds" message concerning the United States had come through; is that correct?

Colonel BRATTON. Yes, I did make further inquiries about this message, but prior to investigating the thing more thoroughly I had dispatched to G-2 in Hawaii the message that I have previously referred to, so that if this "Winds" code implementing message did come through they in Hawaii would be alerted just as quickly as we were.

General FRANK. Do you know whether or not Colonel Fielder ever got that message?

Colonel BRATTON. I do not, sir.

General FRANK. Do you know whether or not he ever got any information from Rochefort?

Colonel BRATTON. Of my own knowledge I do not, sir.

General FRANK. We had Colonel Fielder on the stand as a witness in Honolulu.

[68] Colonel BRATTON. Yes, sir.

General FRANK. And asked him if he had any information about any code word being flashed, and I think his testimony indicated—at least, he said he did not.

Colonel BRATTON. The message was dispatched, sir.

General RUSSELL. Colonel, before we go away from this subject of the "Winds" message, have you anything else there, documentary or otherwise, that you would like to say about it?

Colonel BRATTON. Yes, sir. I would like to read into the record an extract from a document known as "Summary of Far Eastern Documents," compiled in G-2 in the fall of 1943. A paragraph extracted from page 36 of this document reads as follows:

(Excerpts from "Summary of Far Eastern Documents" are as follows:)

FE 361D On 5 December G-2 instructed G-2, Hawaiian Department, to confer immediately with a naval officer on duty at Pearl Harbor who had learned from most secret sources that weather broadcasts from Tokyo would include information regarding Japan's intention to break diplomatic relations with certain designated powers including the United States.

General GRUNERT. I would like to ask a few more questions along that line. This message you referred to was sent to G-2 of the Hawaiian Department?

Colonel BRATTON. Yes, sir.

General GRUNERT. Do you know of any instructions to G-2 [69] of the Hawaiian Department that would have prevented him from informing his Commanding General of the tenseness of the situation at that time which might have caused the Commanding General to take greater security measures than he would have had he not had that information?

Colonel BRATTON. No, sir.

General GRUNERT. Had you been G-2 out there and received that message which, in a way, put you on an additional alert or a state of alertness, would you have considered it your duty as G-2 of the Department to have at least secretly informed your Commanding General that such a thing might be expected and that therefore everything should be prepared for any eventuality?

Colonel BRATTON. Yes, sir.

General GRUNERT. Was there an acknowledgment of that message to G-2 of the Hawaiian Department to the G-2 of the War Department? In other words, do you know whether or not he actually received that message?

Colonel BRATTON. We have no documentary proof thereof, General, but the standing operating procedure—

General GRUNERT. Did anything happen later to show that he had received it in any way?

Colonel BRATTON. Well, we have negative evidence that it was received, in this way: it was standing operating procedure in the message center of the War Department at that time to check back in code, by

number, the receipt of all outgoing messages. The officer in charge of the message center at that time, Colonel French of the Signal Corps, made the statement in my presence, yesterday or the day before, that [70] to the best of his knowledge and belief no nonreceipt check was ever received on that numbered message, and that to the best of his belief the message was received by the addressee. It was most certainly sent out, as the record shows.

General GRUNERT. The transcript of the testimony of Colonel Fielder will show that he was given an opportunity to inform the Board of anything additional to those things on which he was questioned, that would further our investigation. Now I am trying to find out why he didn't inform the Board, either on or off the record, of this additional, really, warning that something was in the wind. I can't quite understand, unless there are G-2 instructions to the contrary, that he could not impart such information without authority from the War Department, or something of that effect. You see what I mean?

Colonel BRATTON. I understand perfectly, General; and there, of course, were no such instructions issued by the War Department to any of its G-2s, that I know of. Our policy at that time was to expect the G-2s everywhere to be in the very closest contact with their Commanding Generals.

General GRUNERT. Then, the only reason I can see for it is that he evidently forgot the whole business.

Colonel BRATTON. I find that hard to believe, sir. Of my own knowledge, between the *24th of November and the 7th of December* there were *five warning messages* sent out of the War Department to *Hawaii*. The fifth one was not delivered to the addressee until after the attack. To the best of our knowledge and belief all four of the others were.

General GRUNERT. Will you recount the dates of those? [71] I think the Board has all of them or has had testimony on all of them, but I want to recheck.

General FRANK. Those four include messages to the Commanding General, Hawaiian Department, through the Navy. or are they all exclusively from the War Department?

Colonel BRATTON. One or two were naval messages, sir.

If you will allow me to quote again from this document, sir, on page 34 of the document previously referred to as "Summary of Far Eastern Documents," is this statement:

FE 356A Based on all the information available, including that from the State Department, and the most secret sources, and after consultation among G-2, WPD, and the Navy, a message was dispatched on 24 November from the Office of the Chief of Naval Operations to the Commanders-in-Chief, Asiatic Fleet, Manila, and Pacific Fleet, Pearl Harbor, and the Naval Commandants at San Diego, San Francisco, Seattle, and Balboa, with the request that senior Army officers in their respective areas also be informed. This message stated, among other things, that there "are very doubtful chances of a favorable outcome of negotiations with Japan" and warned of a possible "surprise aggressive movement in any direction."

On page 35 of the same document:

FE 358A On the same date, 27 November, the Chief of the War Plans Division, after consultation with G-2, directed the dispatch of a first-priority message to the Commanding Generals of the Hawaiian Department and the Caribbean Defense Command stating [72] that, among other things, "Negotiations with

Japan appear to be terminated to all practical purposes" and that "Japanese future action unpredictable but hostile action possible at any moment".

FE 358B G-2, in a message to the G-2s of all Corps Areas, Caribbean Defense Command, Hawaiian Department, instructed them to "advise only the Commanding Officer and the Chief of Staff that it appears that the conference with the Japanese has ended in an apparent deadlock stop. Acts of sabotage and espionage probable stop Also possible that hostilities may begin stop."

Now:

FE 358C On 28 November G-2 directed that a radio be sent first-priority warning Corps Areas and Overseas Department Commanders that because of the critical situation all precautions should be taken immediately to guard against sabotage, subversion, and espionage within their commands.

The message of 5 December has already been read into the record as FE 361D (pg. 68).

Now:

FE 366A On the morning of 7 December G-2 learned that the Japanese Ambassador had received instructions to deliver to the Secretary of State at one o'clock in the afternoon a statement which rejected an American proposal of 26 November and which asserted that it was impossible to reach any agreement through further negotiations. Based on [73] this information the Chief of Staff, after consultation with G-2 and WPD, wrote a first-priority radiogram which was dispatched about 12:17 p. m. to the Commanding Generals of the United States Army Forces in the Far East, Caribbean Defense Command, Hawaiian Department, and 4th Army. The message read as follows: "Japanese are presenting at one p. m., Eastern Standard Time, today, what amounts to an ultimatum; also they are under orders to destroy their code machine immediately stop Just what significance the hour set may have we do not know, but be on the alert according stop Inform naval authorities of this communication stop".

I think that covers the five messages, sir, that I have knowledge of.

General RUSSELL. Now, you have been reading from a document which you have described as "Summary of Far Eastern Documents"?

Colonel BRATTON. Yes, sir.

General RUSSELL. Where is that of record? In the office of G-2?

Colonel BRATTON. Sir?

General RUSSELL. Where is that document from, what office?

Colonel BRATTON. From the files of G-2 in the War Department, sir.

General RUSSELL. How long has it been there; do you know?

Colonel BRATTON. Since it was prepared, in the fall of 1943, sir.

[74] General RUSSELL. Now, the last message which you read to the Board, Colonel, is the one that I indicated a little earlier that we wanted to discuss with you for a moment, the message of December 7th.

Colonel BRATTON. Yes, sir.

General RUSSELL. The information which the Board has is that on the morning of December 7th there were on the desk of the Chief of Staff of the Army two messages, one to the effect that the ultimatum would be delivered at one o'clock and the code machines were being destroyed, and the other a rather long statement which was alleged to have been in response to the memorandum of the Secretary of State of November 26. Do you recall that there were two such messages there on that morning?

Colonel BRATTON. Yes, sir; I put them there myself and can identify them both.

General RUSSELL. Let us consider the short message relating to the destruction of the code machines and the delivery of the ultimatum.

Colonel BRATTON. Yes.

General RUSSELL. From what source did the War Department receive the information upon which that message was based?

Colonel BRATTON. There is the translation made in the code encipher section of naval signal communications, sir.

General RUSSELL. Do you know what time it was delivered to the War Department?

Colonel BRATTON. It was delivered to me, sir.

General RUSSELL. At what time?

Colonel BRATTON. Between half past eight and nine o'clock [75] Sunday morning, December 7, 1941.

General RUSSELL. Do you remember the circumstances of the delivery, by whom delivered, and so forth?

Colonel BRATTON. No, sir, not at this time, but there is no reason why I should, because there were a great bulk of this material being delivered to me daily at all times of the day and during the night, during these days.

General RUSSELL. That was about the most important message that you had received in this period, wasn't it?

Colonel BRATTON. Yes, sir. It was brought over to me, as I remember now, by an officer courier from the Navy.

General RUSSELL. Do you know from what source the Navy discovered this information?

Colonel BRATTON. They had intercepted the Japanese message, General, and deciphered it themselves.

General RUSSELL. This was a naval intercept?

Colonel BRATTON. Sir?

General RUSSELL. This was a naval intercept?

Colonel BRATTON. Yes, sir; it was a naval—I don't know who intercepted it, but it was a naval translation. For your information, sir, the Army and the Navy divided this material. There was so much of it that in order to process it and get it out where it could be used the Navy took certain parts of it and the Army took certain parts of it, and the results were interchanged so that we both had all the material all the time.

General RUSSELL. But this message reached you between eight-thirty and nine o'clock on the morning of December 7, 1941, Washington time, and at that time it had been deciphered and translated?

[76] Colonel BRATTON. Yes, sir.

General RUSSELL. And was in plain English?

Colonel BRATTON. It was in English when I received it, sir.

General RUSSELL. Yes. Now let us consider the long memorandum which you stated a moment ago that you placed on the Chief of Staff's desk that morning. From what source did you get the long memorandum?

Colonel BRATTON. I believe it was a naval translation also, sir.

General RUSSELL. Do you recall whether or not the Navy asked the Army to help in the deciphering and translation of either one of these two messages?

Colonel BRATTON. It might be that we helped each other on the translation of the long one, because it was in fourteen parts and covered some ten pages, sir.

General RUSSELL. Do you recall what time you placed the short message on the desk of the Chief of Staff?

Colonel BRATTON. The short one, sir?

General RUSSELL. Yes.

Colonel BRATTON. I handed it to him in person, sir.

General RUSSELL. About what time?

Colonel BRATTON. May I refer to some notes that I made at the time, sir?

General RUSSELL. Yes.

Colonel BRATTON. I would like to answer that in some detail if I may, sir.

General RUSSELL. All right.

Colonel BRATTON. The message in question was delivered [77] to me from the Navy some time between 0830 and 0900 that morning. It was immediately apparent that it was of such importance that it ought to be communicated to the Chief of Staff, the A. C. of S. G-2, and the Chief of WPD with the least practicable delay. Neither of these officers were in their offices at that time.

I called General Marshall's quarters by telephone and was informed that he had gone horseback riding. I requested his orderly to go out and find him at once and ask him to call me on the telephone as soon as practicable, as I had an important message to deliver to him. I then called General Miles and reported to him the step that I had taken, and recommended that he come down to the office at once. I do not remember whether I called General Gerow or whether General Miles called him, but we had some discussion as to which one of us would do it, and I don't remember now which one of us did, but in any event General Gerow was summoned to his office.

I waited for the telephone call from General Marshall, which I received sometime between ten and eleven. I informed him that I had a message of extreme importance which he should see at once, and told him that I would bring it to his quarters if he so desired. He said to report to him in his office, as he was on his way there. I reported to him in his office at about 11:25, immediately upon his arrival. Shortly thereafter General Miles arrived. The message was laid before General Marshall and discussed. We were all asked by the Chief of Staff for an expression of opinion as to the meaning or significance of the message in connection with the lengthy Japanese ultimatum which the Chief of Staff had on his desk [78] and read aloud to us at this time.

General Miles and I stated that we believed there was important significance in the time of the delivery of the reply, one p. m., an indication that some military action would be undertaken by the Japanese at that time. We thought it probable that the Japanese line of action would be into Thailand but that it might be into any one or more of a number of other areas. General Miles urged that the Philippines, Hawaii, Panama, and the West Coast be informed immediately that the Japanese reply would be delivered at one o'clock that afternoon, Washington time, and that they, the Commanders in the areas indicated, should be on the alert.

General Marshall then called Admiral Stark on the telephone and told him over the phone that he thought we should send out a warning, as indicated above. After Admiral Stark replied, General Marshall put down the telephone and stated that the Admiral did not think any further warning necessary since all the forces had already been several

times alerted. General Miles and I nevertheless urged General Marshall to send the warnings. General Marshall then wrote out in pencil the warning message. There was some discussion at this time, I believe, as to whether or not the Philippines should be included.

General Marshall again got Admiral Stark on the telephone and read to him the message he had just written out. Admiral Stark apparently concurred and asked that the naval forces be also informed. General Marshall added a request to that effect at the bottom of his penciled warning.

At about this time General Gerow and Colonel Bundy [79] arrived. General Marshall again asked us in succession, beginning with General Miles, our opinion as to the significance of the Japanese message. General Miles said he thought it probably meant an attack on Thailand but that the timing had some significance, and that warning messages to our people should be sent. General Gerow, Colonel Bundy, and I concurred.

General Marshall then gave me the message in his handwriting and instructed me to take it immediately to the message center for transmittal. As I was about to go out of the door there was some discussion as to whether it should go to General Gerow's office for typing first, but it was decided that as time was an important factor I was to take it in its draft form to the message center. As I left the room General Gerow made a statement to the effect that, if there was any question of priority involved, to give first priority to the Philippines.

I took the message to Colonel French, Signal Corps officer in charge of the message center, explained to him that it was General Marshall's desire that the message be transmitted to the addressees by the fastest possible safe means, giving the Philippines first priority. Colonel French said that he would give it his personal attention and processing of the message would commence immediately.

I then returned to the office of the Chief of Staff. The latter directed me to find out how long it would take for the delivery of the message to the addressees. I returned to the message center and talked the matter over with Colonel [80] French, who informed me that the message would be encoded in about three minutes, on the air in about eight minutes, and in the hands of the addressees in about thirty minutes. I looked at my watch at this time and saw that it was 11:50 a. m. I returned to the Chief of Staff's office and reported to him the information as to speed of delivery that had been given me by Colonel French.

General RUSSELL. When was the the memorandum prepared from which you are just reading, Colonel?

Colonel BRATTON. On or about the 10th of December, 1941, I would say, sir. It was prepared by General Miles, with my assistance, as a memorandum for the record, of what happened.

General FRANK. Did you say with your assistance or assistant?

Colonel BRATTON. Assistance, t-a-n-c-e. He asked me to go over it with him and make such corrections as were necessary, so that it would be a memorandum for the record, of our recollection of what took place in General Marshall's office that morning.

General RUSSELL. Where has that memorandum from which you have just read been since the date of its preparation, Colonel?

Colonel BRATTON. I may say, sir, that what I have just read is an extract of testimony given by me before an investigation being conducted in G-2 by Colonel Clarke, who allowed me to read into the record the statement that I have made from the memorandum that I have referred to. The memorandum referred to—a copy has, to the best of my knowledge [81] and belief, been in the possession of General Sherman Miles and a carbon copy in my possession since then.

General RUSSELL. Has the memorandum been in the files of G-2 of the War Department as well as in the possession of General Miles and of yourself?

Colonel BRATTON. Yes, sir, to the best of my knowledge and belief. It was made primarily to leave in the files of G-2 for the record.

General RUSSELL. Now, Colonel Clarke directed this hearing on or about the 10th day of December, or this investigation, as it might be called; is that true?

Colonel BRATTON. I don't know, sir. I appeared as a witness before his investigation first on the 14th of December and on several—

General FUNK. What year?

Colonel BRATTON. Sir?

General FRANK. The 14th of December what year?

Colonel BRATTON. This year.

General FRANK. Oh.

Colonel BRATTON. Of 1944, and I have been questioned by Colonel Clarke and his assistant, Colonel Gisbon, several times since that date.

Colonel TOULMIN. Do you mean of this year? December of this year?

Colonel BRATTON. Yes, sir.

General RUSSELL. I think I have got the story. Is it true, or not, Colonel, that in 1941—

General FRANK. Wait a minute.

Colonel TOULMIN. Let us get this thing straight.

[82] General FRANK. Let us get this straight.

Colonel BRATTON. You are familiar with the investigation being conducted by G-2, are you not?

General FRANK. No.

Colonel BRATTON. Oh, you must be, sir. Colonel Clarke has communicated with you a number of times, I am sure.

Will you please read my original answer?

The Reporter (reading) :

"I don't know, sir. I appeared as a witness before his investigation first on the 14th of December and on several——"

Colonel BRATTON. That should be the 14th of September.

General RUSSELL. Now, Colonel, I think we can straighten this out. Our dates have just gone a little awry here.

Now, on or about the 10th day of December, 1941, you and General Miles, acting together, prepared a memorandum, and you kept a carbon copy of it, and General Miles took a copy, and a copy you think was left in the records of G-2 of the War Department?

Colonel BRATTON. Yes, sir.

General RUSSELL. That was about three or four days after the attack on Pearl Harbor?

Colonel BRATTON. Yes, sir.

General RUSSELL. Now, the language which you have just read into the record a minute ago was extracted from that original December 10, 1941, memorandum; that is true, is it?

Colonel BRATTON. Yes, sir.

General RUSSELL. The initial memorandum setting forth what occurred on the morning of December 7, 1941, was prepared about [83] the 10th of December, 1941?

Colonel BRATTON. Yes, sir.

General RUSSELL. By you and General Miles. Recently you were called by Colonel Clarke, who is conducting an independent investigation?

Colonel BRATTON. Yes, sir.

General RUSSELL. And in reply to questions by Colonel Clarke you read the extract from the December 10, 1941, memorandum into the Clarke record?

Colonel BRATTON. That is correct, sir.

General RUSSELL. And this morning you have read from the Clarke record, but it contains the language of the December 10, 1941, memorandum?

Colonel BRATTON. That is correct, sir.

General RUSSELL. All right.

Now is anyone helping Colonel Clarke with his investigation, or is he just making it alone?

Colonel BRATTON. Yes, sir. He has a Lieutenant Colonel Gibson of the M. I. S. assisting him.

General RUSSELL. Now, Colonel, on the morning of December 7 when you received the short message that we are discussing now, did you have the long message in completed form at that time, which was about 8:30 a. m.?

Colonel BRATTON. I had had the bulk of it since the evening before, sir. It came in fourteen parts, I believe. Thirteen of those parts were received the afternoon and evening of the 6th and were delivered by me to the office of the Chief of Staff, the A. C. of S. G-2, the office of the Secretary of State. The last part didn't come in, as I [84] remember, until very late at night or very early in the morning of the 7th, and it was delivered at that time to those same agencies.

General RUSSELL. Do you remember the hour that the latter part of that long message was delivered to the agencies?

Colonel BRATTON. No, sir, I do not.

General RUSSELL. And you have no record from which you could tell that?

Colonel BRATTON. No, sir.

General RUSSELL. Colonel, the thing that caused your agitation and provoked activity was this message which reached you about 8:30 on Sunday morning?

Colonel BRATTON. Yes, sir.

General RUSSELL. After receiving this message, which I believe you testified came to you deciphered and translated and in English, you immediately began your effort to locate the Chief of Staff of the Army?

Colonel BRATTON. Yes, sir.

General RUSSELL. And you finally were in touch with him some three hours later, at 11:25, in his office?

Colonel BRATTON. Yes, sir.

General RUSSELL. When did you initiate your efforts to get in touch with the G-2 about this message?

Colonel BRATTON. Immediately after telephoning to find out where General Marshall was.

General RUSSELL. Well, when did G-2 get to the office that morning?

Colonel BRATTON. My recollection is, sir, that he came [85] in at about the same time General Marshall reached his office. I had been waiting in the anteroom or in the hall so I could catch them the minute they got there, and my recollection is that General Miles came in right on the heels of General Marshall, and I followed them both to the latter's office.

General RUSSELL. Now, so far as I am concerned, I have about exhausted what I wanted on December 7th.

General FRANK. When you gave this short message to General Marshall was it all by itself?

Colonel BRATTON. To the best of my recollection now, it was. He had on his desk all fourteen parts of the long Japanese reply.

General FRANK. But the only thing that you brought in at the time that you first saw him was this short message about something happening at one o'clock?

Colonel BRATTON. I think so, yes, sir.

Colonel TOULMIN. Colonel, we will clear up one matter. As I got your testimony, you said that at 8:30 in the morning of December 7th, here in Washington, you first received this message; is that correct?

Colonel BRATTON. Between 8:30 and 9, yes.

Colonel TOULMIN. And what was the exact time, if you recall, when you first called General Marshall's quarters, in your first endeavor to reach him?

Colonel BRATTON. It was at about 9 a. m., sir.

Colonel TOULMIN. That is all.

General RUSSELL. That is all.

General GRUNERT. Any other questions?

[86] General RUSSELL. I will ask you very hurriedly, Colonel, about some messages that are represented to have been sent to the War Department from naval sources, to the effect that:

(Messages alleged to have been sent to the War Department from Naval sources are as follows:)

On the 24th of November we learned that November 29, 1941, Tokyo time, was definitely the governing date for offensive military operations of some nature. We interpreted this to mean that large-scale movements for the conquest of Southeast Asia and the Southwest Pacific would begin on that date, because, at that time, Hawaii was out of our minds.

Do you know anything about the Navy telling you that we were to go to war or that large-scale offensives would be begun by the Japanese on the 29th of November?

Colonel BRATTON. You said 24th, didn't you, sir (indicating)?

General RUSSELL. On the 24th they were told that the 29th was the definite date.

May I ask you this, Colonel, in order to facilitate the examination: Do you have any independent recollection of it, or would you have to refer to the document which you have with you?

Colonel BRATTON. I would have to refer to the documents I have with me, sir,

General RUSSELL. Well, suppose we then just confine ourselves to what we can recall, and we shall attempt to have [87] the document placed in evidence.

On November 26 we received specific evidence of Japan's intention to wage an offensive war against both Britain and the United States.

Independently of records, do you know whether or not such a message as that was received by the War Department from the Navy Department?

Colonel BRATTON. Yes, sir. On page 34 of this Summary of Far Eastern Documents you will find under "G-2 153" this statement:

(Excerpt from "Summary of Far Eastern Documents," page 34, is as follows:)

G-2 advised the Chief of Staff on 26 November that O. N. I. reported a concentration of units of the Japanese fleet at an unknown point after moving from Japanese home waters southward towards Formosa and that air and submarine activity was intensified in the Marshall Islands.

General RUSSELL (reading):

On December 1st we had definite information from three independent sources that Japan was going to attack Britain and the United States, and, from two of them, that Japan would maintain peace with Russia.

Do you know anything about that message?

General GRUNERT. That is continuing quotation from the document.

General RUSSELL. Yes, sir.

General GRUNERT. Let the record show that that is continuing quotations from the document.

[88] General RUSSELL. Yes. I will identify the questions. That is the December 1st message, Colonel.

Colonel BRATTON. I have nothing on the 1st of December, General. My only record as of about that time is on page 35 of this Summary of Far Eastern Documents:

(Excerpt from "Summary of Far Eastern Documents," page 35, is as follows:)

FE 360 The Singapore military observer advised G-2 on 2 December that the alert in Malaya had been advanced from the third to the second degree on the previous day. Japanese reconnaissance activities over Malaya were reported.

General RUSSELL. Colonel, I am asking you now about messages which Navy Intelligence has stated that they delivered to the War Department. But this did not come from Naval Intelligence?

Colonel BRATTON. No, sir. I don't remember any message of that nature being delivered to the War Department by the Navy on that day.

General RUSSELL. We have discussed the December 4th message which we have referred to as the "Wind" message.

December 6th message, and this is coming from the record, as suggested by General Grunert, which we have referred to earlier:

We received positive information that Japan would declare war against the United States, at a time to be specified thereafter.

That was 9 o'clock Saturday morning, the War Department is supposed to have gotten that information from the Navy. [89] Do you have any report of a December 6th message that Japan was going to declare war on the United States, at a time later to be determined?

Colonel BRATTON. No, sir. And I think the message that you have just referred to must be the "Winds" code message that the Navy admits that they received on or about the 6th of December.

General RUSSELL. But they did not send it to you?

Colonel BRATTON. Did not send it to me.

General RUSSELL. The record from which we have been reading to you, Colonel, states that:

Finally, at 10:15 a. m. (Washington time) December 7, '41, we received positive information from the Signal Intelligence Service (War Department) that the Japanese declaration of war would be presented to the Secretary of State at one p. m. (Washington time) that date.

Now, we have gotten into a conflict.

Colonel BRATTON. Well, this is a faulty memory on the part of whoever made that statement. The record shows something entirely different, sir.

General GRUNERT. That is what I want to get at.

Colonel BRATTON. The record shows clearly that the message was received during the night of the 6th-7th of December and translated in the Navy, and we were given a copy of the naval translation. You can get the original document on that, sir.

General RUSSELL. Where from?

[90] Colonel BRATTON. From G-2.

General RUSSELL. It is not in the Summary of Far Eastern Documents which you have with you and to which you have referred previously?

Colonel BRATTON. No, sir.

General FRANK. Since this document entitled "Summary of Far Eastern Documents," which is a part of the files of G-2 of the War Department, contains so much essential information of the situation in the Pacific in 1941, it is highly desirable that this document be made in its entirety available to this Board. It is requested, therefore, that upon your return to the War Department you request G-2 to furnish the Board with a copy of this.

Colonel BRATTON. Yes, sir. And to further identify this document I would like to make a statement for the record as to how it came into being: It was prepared in G-2 as the result of a request made upon the Chief of Staff by the President on July 14, 1943, in which the former requested copies of the dispatches of our military attaches which estimate or express any opinion regarding the probability or improbability of an outbreak of war or which refer in any way to the estimates of potential military strength of any of the countries involved. The countries which concerned the President were Germany, Japan, Italy, Bulgaria, Austria, Occupied France, Belgium, England, and Russia. He indicated his interest in dispatches from January 1, 1937, until such time as our military attaches left the first seven named countries. His interest in similar dispatches from England dated from January 1, 1937, to the [91] outbreak of the war in September 1939, and his interest in dispatches bearing on this subject from Russia dated from January 1, 1937, until the present time, that is, the time of his letter of July 14, 1943.

This letter of the President was transmitted to me by the then A. C. of S. G-2, General Strong, who instructed me to start work on a compilation of the desired documents. I was at that time the Chief of

the Intelligence Branch, M. I. S., G-2. I detailed Colonel McGuire to exercise general supervision over the assembly of European documents, and Colonel Pettigrew over the Far Eastern documents.

As stated in the explanatory note which you will find on page 1 of the Summary of Far Eastern Documents, the yearly summaries which follow on successive pages are based on information contained in intelligence documents consisting of reports, memoranda, estimates, et cetera. The summary itself was written in a chronologically arranged narrative form, supported by photostats of the original documents in the files of G-2. It was arranged in this way to facilitate the use of the document by historical researchers. The European summaries were similarly compiled and supported by photostats of the original documents. All summaries were transmitted to the Chief of Staff by a covering memorandum signed by the A. C. of S. G-2, General Strong, 20 August 1943. With the covering memorandum was transmitted a memorandum for the President, subject: Axis War Potential, for the signature of the Chief of Staff, which read as follows—

General FRANK. Is this the original document?

Colonel BRATTON. This is a carbon copy of the original [92] document.

General FRANK. Yes. How many pages are in it?

Colonel BRATTON. 37 pages, and it is supported by 15 volumes of photostats.

General GRUNERT. The Board desires that the witness, in transmitting the Board's request to G-2 for a copy of that document, inform G-2 that that document will be considered as top secret before the Board.

Colonel BRATTON. Yes, sir.

General GRUNERT. In other words, it will be considered and so handled as is your testimony.

Colonel BRATTON. Yes, sir.

General GRUNERT. Are there any other questions? Can you think of anything else you want to develop with him?

Colonel TOULMIN. Here is this message, if you want to ask questions about that.

Major CLAUSEN. The Mori message.

General RUSSELL. Colonel, I hand you a transcript of a telephone message and ask that you read it as a basis for a question or two I wish to ask. I will tell you before you read it that it is supposed or it comes to us as having been intercepted by agencies in Hawaii, and it purports to be a telephone conversation between a Dr. Mori, or someone representing him, in Honolulu, and a Japanese official in the homeland of the Empire.

Major CLAUSEN. Do you wish to identify the document by exhibit number, sir?

General RUSSELL. It is our exhibit, sir, whatever it is there in the corner (indicating): Exhibit No. 21.

[93] Colonel, have you just read the exhibit which I handed you a moment ago?

Colonel BRATTON. Yes, sir.

General RUSSELL. There are references in there to flowers and some other things. Do any of the terms of this telephone message indicate to you that they might have been code words that were at that time

being used by the Japanese Government on their telephonic conversations?

Colonel BRATTON. Not at this late date, sir. I would have to study the message in conjunction with the code itself. I may say that the code, that telephone code, is on file in G-2, and I am sure you can obtain it from them.

General FRANK. Is it a fact that there is on file in G-2 in the War Department a code that was used by the Japanese in telephone conversations?

Colonel BRATTON. Yes, sir, and the same should be on file in O. N. I. and in the S. I. S. of the Signal Corps.

General FRANK. Did this code apply to the period just prior to the Pearl Harbor incident?

Colonel BRATTON. Yes, sir.

General RUSSELL. I have no further questions.

General GRUNERT. Do you know whether or not General Miles is fully acquainted with just what you have been testifying about, the general trend, and the information that you have given us?

Colonel BRATTON. Yes, sir. General Miles was given copies of every intercept that I gave to the Chief of Staff or to the Chief of the War Plans Division or to the Secretary of State.

[24] General GRUNERT. Are there any other questions?

General FRANK. Yes.

When this message from the Navy was sent over to G-2, what was the channel through which it was communicated?

Colonel BRATTON. Which one, sir?

General FRANK. The "Winds" message, for instance.

Colonel BRATTON. I don't recall ever having gotten a "Winds" message from the Navy. You mean the message giving the Wind code?

General FRANK. Yes.

Colonel BRATTON. Or implementing the code?

General FRANK. Well, any information coming from naval sources: how did it get to you? Did it come direct to you from the Navy, or did it come through the Signal Corps?

Colonel BRATTON. That varied, sir. Sometimes, when the message was considered of sufficient importance, it was brought straight to me. Normally they channeled it through the S. I. S., who assembled them all and brought them to me in a large manila envelope, by an officer courier.

General FRANK. And "S. I. S." stands for?

Colonel BRATTON. Signal Intelligence Service, I believe.

General FRANK. Were those messages filtered in any way down in S. I. S.?

Colonel BRATTON. No, sir. They were filtered by me.

General RUSSELL. On occasions a courier would come to you directly from the Naval Department, as did occur on the morning of Sunday, December 7, with the short message about which we have talked? That was a channel of communication between the Navy and you?

[95] Colonel BRATTON. I believe so, sir.

General FRANK. All right.

General GRUNERT. Is there anything else that you think of that you might want to tell the Board for its consideration of these subjects?

Colonel BRATTON. No, sir.

General RUSSELL. How long are you going to be here, Colonel?

Colonel BRATTON. I don't know, sir. I was told General Marshall had left instructions that I was to remain here in Washington until this was over. I don't know what he means by "this."

General GRUNERT. The Board hopes that the invitation for you to tell us anything that you might have in mind will bear more fruit than it has for other witnesses.

So you think of nothing else that you think the Board should have?

Colonel BRATTON. I would like to make a statement with respect to this document (indicating) if I may, sir.

Colonel TOULMIN. Identify what you mean by "this document."

Colonel BRATTON. The document previously identified as the Summary of Far Eastern Documents.

The allegation has been made, in the press and elsewhere, in connection with the disaster at Pearl Harbor, that if G-2 had been on the job we would not have been caught so unprepared for our war with Japan. In point of fact, G-2 in general, and the Far Eastern section in particular, were very much on the job, as evidenced by the written record of [96] estimates, staff studies, memoranda, et cetera, with which G-2 served the Chief of Staff, the A. C. of S. G-2, W. P. D., O. N. I., the State Department, and other planning and policy-making agencies of the Government, to warn them of the increasing menace of the Japanese war potential and Japan's intentions.

G-2 can stand on this record and has no defense to make. I feel, however, that a part of this record as presented in the document entitled, "Summary of Far Eastern Documents," with its supporting papers, should be taken cognizance of by this investigating committee, if for no other reason than to give a clearer perspective of the events leading up to the attack on Pearl Harbor.

General GRUNERT. In that event we hope that you will use your best endeavors to get G-2 to give us such a copy.

Are there any other questions? (No response.)

If not, thank you very much for coming.

(The witness was excused, with the usual admonition.)

General RUSSELL. I introduce in evidence a memorandum dated September 29, 1944, addressed to Lt. General George Grunert, President, Army Pearl Harbor Board, from James Lawrence Fly, Chairman, Federal Communications Commission.

I introduce in evidence, also, memorandum dated September 30, 1944, also from Mr. Fly, similarly addressed to General Grunert, with attached papers.

[979] The documents are as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington 25, D. C., Sep 29 1944.

Lt. General GEORGE GRUNERT,
President, Army Pearl Harbor Board,
Room 4743, Munitions Building,
Washington, D. C.

DEAR GENERAL GRUNERT: I am enclosing a memorandum entitled "Communications by wire and radio to and from Japan which were and were not tapped or intercepted by the Federal Communications Commission prior to the Japanese attack on Pearl Harbor on December 7, 1941," which General Russell requested of me several days ago for your Board's information.

Sincerely yours,

/s/ James Lawrence Fly,
JAMES LAWRENCE FLY,
Chairman.

Enclosure.

[98]

MEMORANDUM

To: Lt. General George Grunert, President Army Pearl Harbor Board.
 From: James Lawrence Fly, Chairman Federal Communications Commission.
 Re: Communications by wire and radio to and from Japan which were and were not tapped or intercepted by the Federal Communications Commission prior to the Japanese attack on Pearl Harbor on December 7, 1941.

1. *Communications over point-to-point circuits between the United States (including Hawaii) and Japan.*—Normal communication routes between the United States (including Hawaii) and Japan in operation on December 7, 1941 prior to the Japanese attack on Pearl Harbor are shown on the attached map. The routes shown are limited to the most direct circuits. Such possible indirect routes for communicating between United States and Japan as via London are not shown.

The United States was at peace with Japan prior to the attack on Pearl Harbor on December 7, 1941, and the Communications Act of 1934, under which the Federal Communications Commission was organized and from which it derives its powers, prohibited the tapping of wires or other interception of messages transmitted between points in the United States, including its territories, and a foreign country (Section 605). Since that prohibition upon the Commission had not been in any way superseded, the [99] Commission did not intercept any messages over the radiotelegraph, cable telegraph or radiotelephone circuits between the United States (including Hawaii) and Japan prior to December 7, 1941.

2. *Communications over point to point circuits between Japan and other foreign countries.*—The prohibition of the Communications Act against the interception of communications does not include communications transmitted between two foreign countries. Accordingly, the Commission has intercepted messages both before and after December 7, 1941 over foreign radio circuits including those between Japan and some other foreign country. The Commission, however, has no use itself for such intercepted messages in the discharge of its duties, except for purposes of identifying the traffic. Other government departments have had an interest in copies of such traffic, and the Commission has cooperated with them both in bringing to their attention any unidentified or suspicious traffic which the Commission's monitors detected in the course of their monitoring of the spectrum in order that such agencies might take appropriate action, and in making intercepts of traffic over foreign circuits which they requested.

"No request of the Commission by any government agency for traffic between Japan and any other country was outstanding on December 7, 1941 or immediately prior thereto. In February 1941, [100] however, Commission monitors detected the transmissions of two stations employing the calls WER and NVB, both of which were within the block of calls assigned to the United States by international agreement. Commission long range direction finding bearings indicated that WER was in Germany and NVB in Japan. It was subsequently established that these stations were in the Japanese military attaché circuit between Japan and Germany. Promptly after detection of this circuit, the Federal Bureau of Investigation was notified of its existence, and copies of intercepted traffic were furnished to it until October 3, 1941 when the Commission was informed that further intercepts were not desired by the Bureau. The Commission also notified the War Department of the existence of this circuit, but was advised that monitoring by the Commission was not necessary for War Department purposes.

3. *Broadcasts originating in Japan.*—The receipt, publication and use of the contents of radio broadcasts are excluded from the prohibition in the Communications Act against the interception of communications, referred to above. Following arrangements with other government departments in early 1941, the Commission was delegated the task of intercepting and reporting foreign broadcasts audible in the United States to various government agencies which had use for them. From April 1941 on, [101] the Commission's monitoring station at Portland, Oregon, intercepted an increasing volume of shortwave broadcasts from Japan in English, Japanese and other languages beamed to North America, Hawaii, Asia, Europe and elsewhere. These broadcasts were translated and reported, either in summary or verbatim form, to the War, Navy and State Departments and other government agencies, at first by occasional reports and beginning in September, 1941 by a daily report.

4. *Special weather broadcast from Japan.*—One particular intercept activity carried on by the Commission consisted of monitoring Japanese shortwave broadcasts for a special weather message from November 28, 1941 through the

time of the attack. The request by the War Department and the messages intercepted and relayed to the War or Navy Departments by the Commission are set forth in a certificate by the Secretary of the Commission dated August 18, 1944 transmitted by my letter of August 22, 1944 to Lt. Commander Powers, Judge Advocate's Office, Navy Department.

September 29, 1944.

/s/ James Lawrence Fly,
JAMES LAWRENCE FLY, *Chairman,*
Federal Communications Commission.

[102]

FEDERAL COMMUNICATIONS COMMISSION,
Washington 25, D. C., Sep 30, 1944.

Lt. General GEORGE GRUNERT

President, Army Pearl Harbor Board
Room 4743, Munitions Building
Washington, D. C.

DEAR GENERAL GRUNERT: I am enclosing a certified copy of the certificate referred to in paragraph 4 of my memorandum of September 29, 1944, to you, which General Russell has requested.

Sincerely yours,

/s/ James Lawrence Fly,
JAMES LAWRENCE FLY,
Chairman.

Enclosure

UNITED STATES OF AMERICA,
FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., September 30, 1944.

I hereby certify that the attached is a true copy of the certificate of the Commission consisting of five sheets dated August 18, 1944, transmitted with covering letter dated August 22, 1944 of James Lawrence Fly, Chairman, Federal Communications Commission, to Lt. Commander Robert Powers, Judge Advocate's Office, Navy Department, and referred to [103] paragraph 4 of a memorandum dated September 29, 1944 from James Lawrence Fly, Chairman, Federal Communications Commission to Lt. General George Grunert, President of Army Pearl Harbor Board.

In witness whereof, I have hereunto set my hand, and caused the seal of the Federal Communications Commission to be affixed, this 30th day of September, 1944.

(SEAL)

/s/ T. J. Slowie,
T. J. SLOWIE,
Secretary.

UNITED STATES OF AMERICA,
FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., August 18, 1944.

I hereby certify that the attached are true copies of documents described as follows:

Document No. 1 is a true copy of the weather messages which Major Wesley T. Guest (now Colonel), U. S. Army Signal Corps, requested the Commission's monitors to be on the lookout for in Tokyo broadcasts and to advise Colonel Bratton, Army Military Intelligence, if any such message was intercepted. This request was made on November 28, 1941 at approximately 2140 GMT.

Document No. 2 is a true copy of a weather message from Tokyo station JYW3, intercepted by Commission monitors at approximately 2200 GMT, December 4, 1941, which at 9:05 p. m. EST, December 4, [104] 1941, having been unable to contact Colonel Bratton's office, was telephoned to Lieutenant Brotherhood, 20-G, Watch Officer, Navy Department, who stated that he was authorized to accept messages of interest to Colonel Bratton's office.

Document No. 3 is a true copy of a weather message from Tokyo station JYW3, intercepted by Commission monitors, at 2130 GMT, December 5,

1941, which was telephoned to Colonel Bratton at his residence at 7:50 p. m. EST, December 5, 1941.

Document No. 4 is a true copy of two weather messages intercepted by Commission monitors from Tokyo stations JLG 4 and JZJ between 0002 and 0035 GMT, December 8, 1941, and telephoned to Lt. Colonel C. C. Dusenbury, U. S. Army Service Corps, at the request of Colonel Bratton's office at approximately 8 p. m. EST, December 7, 1941. Document No. 4 also contains the Romaji version of these messages.

on file in this Commission, and that I am the proper custodian of the same.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the Federal Communications Commission to be affixed, this twenty-first day of August, 1944.

The seal of the Federal Communications Commission.

(Signed) T. J. Slowie,
T. J. SLOWIE,
Secretary.

[105]

DOCUMENT No. 1

Group one is east wind rain

Group two is north wind cloudy and

Group three is west wind clear stop

Groups repeated twice in middle and at end of broadcast

The above are the weather messages Major Wesley T. Guest requested the Commission to monitor on November 28, 1941

DOCUMENT No. 2

Tokyo today north wind slightly stronger may become cloudy tonight tomorrow slightly cloudy and fine weather

Kanagawa prefecture today north wind cloudy from afternoon more clouds

Chiba prefecture today north wind clear may become slightly cloudy ocean surface calm

Weather message from Tokyo station JVW3 transmitted at approximately 2200 GMT, December 4, 1941.

[106]

DOCUMENT No. 3

Today north wind morning cloudy afternoon clear begin cloudy evening. Tomorrow north wind and later from south. (repeated 3 times)

Weather message from Tokyo station JVW3 transmitted at approximately 2130 GMT December 5, 1941.

DOCUMENT No. 4

English

This is in the middle of the news but today, specially at this point I will give the weather forecast:

West Wind, Clear

West Wind, Clear

This is in the middle of the news but today, at this point specially I will give the weather forecast:

West Wind, Clear

West Wind, Clear

Romaji

Nyusu no tochu de gozaimasu ga hon-jitsu wa toku ni koko de tenki yoho wo moshiage masu

Nishi No Kaze Hare

Nishi No Kaze Hare

Nyusu no tochu de gozaimasu ga kyo wa koko de toku ni tenki yoho wo moshiage masu

Nishi No Kaze Hare

Nishi No Kaze Hare

Above are the two weather messages from Tokyo stations JLG4 and JZJ transmitted by them between 0002 and 0035 GMT December 8, 1941.

[107] General GRUNERT. The Board now goes to other business (Whereupon, the Board, having concluded the hearing of witnesses for the day, at 1 o'clock p. m. proceeded to other business.)

[108]

[TOP SECRET]

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[TOP SECRET]**[109] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD**

MONDAY, OCTOBER 2, 1944.

MUNITIONS BUILDING,
Washington, D. C.

The Board, at 9 a. m., pursuant to recess on Saturday, September 30, 1944, conducted the hearing of witnesses, Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President, Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

**TESTIMONY OF CAPTAIN L. F. SAFFORD, UNITED STATES NAVY,
OFFICE OF NAVAL OPERATIONS, NAVY DEPARTMENT, WASH-
INGTON, D. C.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

Colonel WEST. Captain, will you please state to the Board your name, rank, organization, and station?

Captain SAFFORD. Present station?

Colonel WEST. Present station.

Captain SAFFORD. L. F. Safford, Captain, United States [110]
Navy, Office of Naval Operations, Navy Department.

General GRUNERT. Captain, in this particular part of our investigation I shall ask General Russell to lead with the questions, and the other members will interject any that occur to them. This is General Russell here.

General RUSSELL. Captain, what duties were you performing during the calendar year 1941?

Captain SAFFORD. I was head of the Communications Security Division in Naval Operations. The name "Communications Security" was a very short term used to cover communication intelligence as well. We had direction finders and all other organizations and other activities which are comprised under the heading of communication intelligence; also had charge of preparation of codes and ciphers and surveillance over the security of naval communications.

General RUSSELL. Your duties, then, involved familiarity with the information which was obtained by Navy Intelligence and the protection of that information; is that true?

Captain SAFFORD. Yes, sir.

General RUSSELL. As such, would you have been familiar with information which was being received or gotten by Naval Intelligence Service relating to the Japanese Empire, including its interchange of communications with other nations and its instructions to its armed forces?

Captain SAFFORD. I was.

General RUSSELL. Captain, we have had already, I believe, from Commander Rochefort a description of the agencies which have been established to intercept Japanese information, and hence I will omit that from your examination.

[111] General GRUNERT. At this time I might tell the witness that his testimony here will be top secret, that it will be treated as such by the Board, and so there need be no hesitancy on that score.

Captain SAFFORD. Well, thank you, sir. I was a little bit uncertain of that point, and that is the reason I was a little bit ambiguous in my first reply, to cover it without naming it.

General RUSSELL. Captain, the evidence before the Board indicates that there were intercept stations in both the 14th and 16th Naval Districts in the Pacific; that is true, is it not?

Captain SAFFORD. That is correct.

General RUSSELL. During November 1941 did you obtain from the units in the 14th and 16th Naval Districts estimates covering the organization and distribution of the Japanese naval forces?

Captain SAFFORD. I would like to refresh my memory on one point, if I may, to get the exact date.

General RUSSELL. You may.

Captain SAFFORD. Yes, sir. That was on the 26th of November. We received, early in the morning, a message from the Commandant, 14th Naval District, reporting his estimate of the disposition of Japanese naval forces and the belief that carriers were present in the mandated islands. This message was sent for the information of the Commandant 16th Naval District. Later that day—I'd like to check that one point again—about twelve hours later that day we received a message from the Commandant 16th Naval District, which was also sent [112] to the Commander-in-Chief, Pacific Fleet, and Commandant 14th Naval District, disagreeing in part with Com. 14's estimate, particularly with reference to the carriers in the mandated islands.

General GRUNERT. May I put in the record here: the 16th was at Cavite, and the 14th at Honolulu.

Captain SAFFORD. That is correct.

General FRANK. And this date is what?

Captain SAFFORD. It is the 26th of November.

General RUSSELL. Captain, have you a copy of the messages which you received on that date and to which you have just referred?

Captain SAFFORD. I have, before me.

General RUSSELL. From what sources did you obtain the copies of these messages?

Captain SAFFORD. These were copies given to me by Op20G.

General RUSSELL. Now will you interpret that for us?

Captain SAFFORD. Op20G is the communication intelligence section, or communication division, of Naval Operations.

General RUSSELL. Is that the official source from which these messages just referred to came?

Captain SAFFORD. Yes, sir; they were the official custodians.

General RUSSELL. They were the official custodians.

Captain SAFFORD. I gave a receipt for my copy.

General RUSSELL. Would you read those two reports into the record for us, please, Captain?

[113] Captain SAFFORD. Before giving those messages, I would like to give the background for them.

On the 24th of November the Director of Naval Intelligence released a message to the Commander-in-Chief Asiatic Fleet, information to the Commander-in-Chief Pacific Fleet, and 16th Naval District, stating:

Orange naval movements as reported from individual information addressees perhaps have been conflicting because of necessarily fragmentary nature. Since Com 16 intercepts are considered most reliable, suggest other reports carefully evaluated be sent to Com 16 for action, OpNav for information; after combining all incoming reports Com 16 direct dispatches to Opnav info CINCPAC based on all information received, indicating own evaluation and providing best possible continuity. Request CINCAF issue directive as necessary to fulfill general objective.

General FRANK. CINCAF is Commander-in-Chief Asiatic Fleet?

Captain SAFFORD. Commander-in-Chief Asiatic Fleet; yes, sir.

General RUSSELL. Now let us determine whether or not we properly digested the information which you have just read. This was a message which was sent to certain addressees from the Naval Department in Washington?

Captain SAFFORD. Yes, sir.

General RUSSELL. That is true. Now, who were those addressees?

Captain SAFFORD. The full addressees: the action addressee [114] was the Commander-in-Chief Asiatic Fleet. The information addressees as listed were: Commandant 16th Naval District; Naval Attache, Chungking; Assistant Naval Attache, Shanghai; Naval Attache, Tokyo; and Commander-in-Chief Pacific Fleet.

General RUSSELL. Yes. Now, are we correct in interpreting that message, briefly, as meaning that the Naval Department here was somewhat confused in its thinking about what was going on out there, because of conflicts in messages which were reaching it from numerous Pacific sources? Is that true?

Captain SAFFORD. Yes, sir.

General RUSSELL. And then you did say there in that message that you regarded the information coming from the 16th District as being the most reliable, more so than any other?

Captain SAFFORD. Yes, sir.

General RUSSELL. And you cautioned the addressees to be careful about evaluating data before forwarding it to the Navy Department; is that true?

Captain SAFFORD. We went beyond that and told them that anything they had to send to the 16th District for action Navy Department only, information, and Com 16 would evaluate it and send it on with his own interpretation of the evaluation.

General RUSSELL. All right. Now, then, Captain—

Captain SAFFORD. I haven't got to these other two yet, but I thought that ought to come first because it came there logically.

General RUSSELL. I was going to ask you now if you would give us the messages to which we referred in the beginning.

Captain SAFFORD. Yes, sir. The first message was from [115] the Commandant 14th Naval District to Naval Operations, Information Commanders-in-Chief Pacific Fleet and Asiatic Fleet, and Commandant 16th Naval District, and the time group was 260110. This message stated:

For past month Commander Second Fleet has been organizing a task force which comprises following units: second fleet, third fleet including first and second base forces, and first defense division, combined air force, destroyer division three, air squadron seven, submarine squadron five, and possibly units of battleship division three from first fleet. In messages concerning these units South China Fleet and French Indo-China Force have appeared as well as the naval station at Sama, Bako, and Takao, the Third Base Force at Palau, and resident naval officer Palau have also been engaged in extensive communications with Second Fleet Commander. Combined air force has assembled in Takao with indications that some components have moved on to Hainan. Third Fleet units believed to be moving in direction of Takao and Bako. Second Base Force appears transporting equipment of air force to Taiwan. Takao radio said to be traffic for unidentified second fleet unit and submarine division or squadron. Cruiser division seven and destroyer squadron three appear as an advance unit and may be en route South China. There is believed to be strong concentration of submarines [116] and air groups in the Marshalls which comprise air squadron 24, at least one carrier division unit, plus probably one-third of the submarine fleet. Evaluate above to indicate strong force may be preparing to operate in Southeastern Asia while component parts may operate from Palau and Marshalls.

For information, these air squadrons were all flying boats, scouting planes, patrol planes: long-range patrol planes. They were not carrier-based planes, but they did say, "at least one carrier division unit." That is one or more carriers. It is awkwardly expressed. They mean one or more carriers, by that.

General GRUNERT. In those carrier division units they usually had two carriers, did they? That would mean the carrier and the accompanying plane guard?

Captain SAFFORD. What we now call a carrier task force. That would be the carrier and protecting cruisers and some destroyers for plane guards.

General RUSSELL. I think General Grunert's question, in effect, was to inquire as to the number of carriers in a division.

Captain SAFFORD. The number of carriers in a division would vary from two to four.

General RUSSELL. All right.

Captain SAFFORD. That was that one. The other message——

General RUSSELL. That concludes the first message?

Captain SAFFORD. That concludes the first message from Pearl Harbor.

[117] General RUSSELL. Yes.

Captain SAFFORD. Now, the second message, which came from Cavite, was from Commandant 16th Naval District, for action Commander-in-Chief Pacific Fleet, Naval Operations, Commandant 14th Naval District, Commander in Chief Asiatic Fleet, and time group was 261331:—1331 of the 26th. The first group is the date; hour; minutes:

Morning comment Com 14 to 110 of 26th.

That is reference this other one.

Traffic analyses past few days indicate Commander-in-Chief Second directing units of first, second, third fleets and submarine force in a loose knit task force organization that apparently will be divided into two sections. For purposes of clarity, units expected to operate in South China area will be referred to as "First Section" and units expected to operate in Mandates will be referred to "Second Section." Estimated units in First Section are Cruiser Division seven, Air Squadron six, Defense Division one, Destroyer Squadron three, and Submarine Squadron six. Second Section, Cruiser Division five, Carrier Division three, Ryujo, and one Maru, Destroyer Squadrons two and four, Submarine Squadron five, Destroyer Division twenty-three, First Base Force of Third Fleet, Third Base Force at Palau, Fifth Base Force at Saipan, and lesser units unidentified. Cruiser Division six and Battleship Division three may be included in First and Second Sections respectively, but status cannot be [118] clarified yet. Balance Third Fleet units in doubt but may be assumed that these vessels including Destroyer Squadron five will take station in Formosa Straits or further south. There are slight indications today that Destroyer Squadron three, Cruiser Division seven, and Submarine Squadron six are in Takao area. Combined air force units from Empire are at Pakhoi, Hoihow, Saigon, Takao, and other bases on Taiwan and China coast. Cannot confirm supposition that carriers and submarines in force are in Mandates. Our best indications are that all known First and Second Fleet carriers still in Sasebo Kure area. Our lists indicate Commander-in-Chief Combined Fleet in Nagato, Commander-in-Chief First in Hyuga, and Commander-in-Chief Second in Atago, in Kure area, Commander-in-Chief Third in Ashigara and Sasebo area, Commander-in-Chief Fifth in Chichijima area, Commander-in-Chief Sub Force in Kashima and Yokosuka area, but this considered unreliable. South China Fleet appears to have been strengthened by units from Central or North China, probably torpedo boats. Southern expeditionary force apparently being reinforced by one base force unit. Directives to the above task forces, if such, are directed to individual units and not complete groups. Special calls usually precede formation of task force used in area operations. Commander-in-Chief Second, Commander-in-Chief Third, and Commander-in-Chief [119] Southern expeditionary fleet appear to have major roles. Traffic from Navy Minister and Chief of Naval General Staff to Commanders-in-Chief of Fleet appear normal. Evaluation is considered reliable.

And that is the end of this message.

General RUSSELL. Now, Captain, as I have listened to those two messages the distinction between them seems to be in the fact that one stated rather positively that carriers were in the mandated islands, and the other regarded that bit of information as debatable; is that true?

Captain SAFFORD. As more than debatable; as erroneous.

General RUSSELL. As erroneous. So there was a report that carriers were in the Mandate, and a report on the same say that carriers were not in the Mandate?

Captain SAFFORD. That is correct, sir.

General RUSSELL. Yes. Has the consideration of any data reaching the Naval Department subsequent to the 26th day of November 1941 enabled the Naval Department to determine which of those two reports was accurate?

Captain SAFFORD. Yes, sir. There were copies of the daily intelligence bulletin which were furnished—

General RUSSELL. I am afraid you didn't understand the question. Now does the Naval Department think that carriers were in the Mandates at that time or that they were not?

Captain SAFFORD. They were not.

General RUSSELL. Now, when did you get an additional message relating to the Japanese probabilities after these two of November 26, 1941?

[120] Captain SAFFORD. That was the last word that we heard from our advance bases up until the time of the attack.

General RUSSELL. Now, Captain, in order to hurry the examination along, I have before me the testimony which you gave during the investigation conducted by Admiral Hart. I refer to page 358 of that testimony. There is a statement in the testimony:

On November 24, 1941, we learned that November 29, 1941, Tokyo time, was definitely the governing date for offensive military operations of some nature.

Apparently there is no further explanation in this testimony. Now, would you enlighten the Board on just where this information came from, what record exists of such information, and so forth?

Captain SAFFORD. Yes, sir. What date was that?

General RUSSELL. This was the November 24th date where the 29th of November was fixed as the governing date for offensive military action.

Captain SAFFORD. That was from the series of messages, the first of which we received on November 5th, and it may be identified by S. I. S. 24373 (that is the Army identification number) which says:

It is absolutely necessary that all arrangements for the signing of this agreement be completed by the 25th of this month.

And added in parentheses:

Of utmost secrecy.

On November 12th S. I. S. No. 24373 told us:

The United States still not fully aware of the [121] exceedingly criticalness of the situation here. The date set is a definite deadline. The situation is nearing a climax. Time is indeed becoming short.

Those were two messages from Tokyo, incidentally.

On November 22nd, from S. I. S. No. 25138, we learned that Tokyo had informed Ambassador Nomura:

There are reasons beyond your ability to guess why we wanted to settle Japanese-American relations by the 25th, but if the signing can be completed by the 29th—

and he repeated it in words, to make certain of no mistake.

—we have decided to wait until that date. This time we mean it, that the deadline absolutely cannot be changed. After that things are automatically going to happen.

And on November 24th, in S. I. S. 25178, Tokyo stated, referring to the previous message I just quoted from:

The time limit is in Tokyo time.

General RUSSELL. Will you define "S. I. S." for us?

Captain SAFFORD. That is an abbreviation for "Signal Intelligence Service," and that is the number put on these documents which were in the files of the Signal Intelligence Service in the Army, and I think later on they were turned over to G-2 for final custody.

General RUSSELL. The S. I. S., Signal Intelligence Service, was an agency of the Army?

Captain SAFFORD. That was an agency of the Army; yes, sir.

General RUSSELL. How does it come to pass that this [122] information furnished by S. I. S. is in your files?

Captain SAFFORD. The communication intelligence organization of the Navy and the S. I. S. of the Army were working in cooperation on

this matter for over a year. We had divided up interception of Japanese messages to insure that no circuits were left uncovered and that we had a minimum of duplication consistent with adequate coverage. We exchanged the messages between the interested services. Then there was arrangement made on the diplomatic messages that the Army processed them on the even days of the month, and the Navy processed them on the odd days of the month, but both services got copies of the translations and handled their own dissemination of intelligence from that point.

General RUSSELL. Captain, you have been reading to the Board from a record which you have before you. Who prepared that record?

Captain SAFFORD. I prepared that message myself.

General RUSSELL. From what source or sources did you derive the information which you have placed in that record?

Captain SAFFORD. This was prepared by me back in November, December of last year, and about January to March of this year, and this was prepared from original sources. I borrowed the files from Op20G, went through the stuff, and prepared these briefs which have served to prompt my memory on this or anything else that might be coming at the same time. Most of those messages at the bottom had both the S. I. S. number and the Navy's identification number, which is a JD number. So we have those complete.

[123] General RUSSELL. It is true, then, that you had access to the original messages which came to the Navy from S. I. S. when you prepared this memorandum?

Captain SAFFORD. I had access to the original copies which have been distributed for information and then returned to file.

General RUSSELL. The information which you are testifying about this morning and data that you are giving to the Board—you can certify that this is the information in those original files?

Captain SAFFORD. I can certify that this is the information and that it is my interpretation of the brief. I would have to get the meat of maybe a five-page message boiled down to a single sentence.

General RUSSELL. All right. Now, the record from which I was reading a moment ago states that:

On November 26, we received specific evidence of Japan's intention to wage an offensive war against both Britain and the United States.

Now, would you give to the Board the sources of the information upon which that statement was made to Admiral Hart?

Captain SAFFORD. Let me look this over.

General RUSSELL. Have you found it?

Captain SAFFORD. I am sorry I cannot explain that now. I do not have before me the brief that I had before Admiral Hart. I had a longer brief before him, and I to a certain extent pruned this one, at a time that I thought that a great deal of information would not be allowed to come before either the Army Board or the Navy Court of Inquiry. I cannot find [124] anything now that would set anything that specific as November the 26th.

General RUSSELL. Have you any independent recollection of the data upon which you base that statement to Admiral Hart?

Captain SAFFORD. Will you please read me the statement again?

General RUSSELL. The statement is:

On November 26, we received specific evidence of Japan's intention to wage an offensive war against both Britain and the United States.

And, of course, the thing the Board is interested in is, What was that specific evidence?

Captain SAFFORD. On November 26 we received—we had information that Japan was contemplating offensive action against England and the United States and possibly against Russia, though no commitments.

That is contained in S. I. S. No. 25392. That was a message which was sent from Tokyo on November 19, 1941, the day before Tokyo delivered its note of November 20th to Washington, and this said that—I will check that more carefully. That if diplomatic——

General RUSSELL. What are you reading from there?

Captain SAFFORD. I am reading from a dispatch we got two days later, but I have not got a copy of this other with me. I did not bring in any of these original sources with me.

General RUSSELL. All right.

Captain SAFFORD. I can tell you——

General RUSSELL. Now, let us not——

Captain SAFFORD. It said that——

[125] General RUSSELL. What said?

Captain SAFFORD. This message, which is S. I. S. No. 25392, said that Japan would announce her intentions in regard to war or possibly breaking off diplomatic relations with Russia, England including the Netherlands East Indies, and the United States by means of a word sent five times in the middle and at the end of their information broadcast, which is in Morse code; and in a later message they sent the schedule on which this warning would be broadcast; and the specific words were: "East" meant United States; "West" meant England including the Netherlands East Indies; and "North" meant Russia. We had that. The 26th (I think it was seven days old at the time we got it) we were able to work it out.

Two days later——

General RUSSELL. Two days later from what date?

Captain SAFFORD. On November 28th, 1941, we read another message dated November 19, which is S. I. S. 25432—I have that Navy translation, incidentally—giving a "Winds" code to be used in their voice broadcasts; and that said Japan-United States was "East wind rain"; Japan-Russia, "North wind cloudy"; and Japan-British including Netherlands East Indies, "West wind clear."

The voice was longer than what is set up for the Morse.

We also received on the 28th, from the Commander-in-Chief Asiatic Fleet, their message to the Navy Department, information Commander-in-Chief Pacific Fleet, the Commandants 14th and 16th Districts, No. 281430:

Following Tokyo to net. Intercept. Translation received from Singapore. If diplomatic relations are [126] on verge of being severed following words repeated five times at beginning and end of ordinary Tokyo news broadcast will have significance as follows:

Higashi higashi: Japanese-American

Kita kita: Russia

Nishi nishi: England including occupation of Thai or invasion of Malaya and Netherlands East Indies.

On Japanese-language foreign news broadcasts the following sentences, repeated twice in the middle and twice at the end of the broadcasts, will be used:

America: Higashi no kaze komura

England: Nishi no kaze hare

British and Com 16 monitoring above broadcasts.

And that is the end of the message.

Incidentally, there is a mistake in the message, because they apparently left out a whole line in coding, and there is no mention of Russia, and the word set up for America was a combination of what started for "America" and ended up for "Russia"; but that doesn't matter, because we understood that perfectly, already having decoded the messages ourselves and translated them.

In connection with that, on the 3rd of December the Navy Department handled a message from the Naval Attaché of Batavia that was originated by Colonel Thorpe in Batavia and addressed to General Miles in the War Department, and he gave a version of the "Winds" code in a tip-off as given to him by the Dutch authorities, and it was much stronger, and the Dutch translation says their reference is to war, not a question of [127] diplomatic relations becoming critical. That message was from Alusna, Batavia (Naval Attaché in Batavia) 031030.

And on the 4th—

General RUSSELL. Now let us see. 4th of what?

Captain SAFFORD. The 4th of December.

General RUSSELL. When? '41?

Captain SAFFORD. '41. Similar information came from the State Department, having been submitted by Consul General Foote, in Batavia, message No. 220, dated 4 December 1941, to the State Department.

General RUSSELL. Now, Captain, let us summarize what we have just been discussing. The testimony which you have just given us in response to my question about specific evidence on this November 26 message, to this time, relates, as I understand it, almost in its entirety, to the intercept of certain information, which information defined the Japanese code words to be flashed for information as to the relation between the Japanese Empire and the United States, Russia, and the British, with certain other people lined up with the British; is that true?

Captain SAFFORD. That is correct, sir.

General RUSSELL. To this time nothing has been testified as to any implementing message on this code? And by "implementing" I mean: if your record stopped at the point to which you have testified now, there would be nothing in that to indicate what disposition the Japanese Empire had at that time toward the United States, Britain, or Russia?

Captain SAFFORD. Nothing that I have testified.

[128] General RUSSELL. Till this time?

Captain SAFFORD. To this time.

General RUSSELL. Yes. It is true, however, Captain, that the fact that these codes about which you have testified, existed, and the purposes for which they were brought into existence, indicated the possibility, if not the probability, of break in diplomatic relations or the waging of offensive war against one or more of the three powers,

to wit, the United States, the British and her sources, and Russia; is that true?

Captain SAFFORD. That is correct as to any or all of the three named.

General RUSSELL. And that, of course, is particularly true on the subject of the deadline message about which you testified?

Captain SAFFORD. That made the deadline message mean a lot more, and the deadline message made that mean a lot more.

General RUSSELL. Now, am I correct in stating that this information about which you have testified, relating to this code and its possible meaning, all came from S. I. S. or these other sources which you have described?

Captain SAFFORD. Yes, sir; all of it came through S. I. S. or the Naval Communication Intelligence organization.

General RUSSELL. A moment ago when I interrupted you, you were about to read a message.

Captain SAFFORD. Yes, sir.

General RUSSELL. Will you return to that message and read that now, please, sir?

[129] Captain SAFFORD. That is the message from Colonel Thorpe, and this is Naval Attaché Alusna, Batavia (That is just the abbreviation addressee) 031030, addressed to Naval Operations. Message reads:

From Thorpe for Miles, War Department. Code intercept. Japan will notify her Consuls of war decision in her foreign broadcast as weather report at end. East wind rain: United States. North wind cloudy: Russia. West wind clear: England, with attack on Thailand, Malaya, and Dutch East Indies. Will be repeated twice or may use compass directions only. In this case words will be introduced five times in general text.

That is the end of the message. This message combined the information of two messages sent out from Tokyo.

I will see if I have Foote's message there now. Yes, I have Mr. Foote's also, on the 4th, and this is headed: "Batavia," dated December 4, 1941, received 9:19 a. m., Secretary of State, Washington, No. 220, December 4, 10 a. m. The message follows:

War Department at Bandoeng claims intercepted and decoded following from Ministry Foreign Affairs Tokyo: When crisis leading to worst arises, following will be broadcast at end weather reports:

1. East wind rain: war with the United States.
2. North wind cloudy: war with Russia.
3. West wind clear: war with Britain, including attack on Thailand or Malaya and Dutch Indies.

If spoken twice burn codes and secret papers. [130] Same re following: From Japan Ambassador Bangkok to Consul General Batavia: When threat of crises exists, following will be used five times in text of general reports and radio broadcasts:

1. Higashi, east: America.
2. Kita, north: Russia.
3. Nishi, west: Britain, with advance into Thailand and attack on Malaya and Dutch East Indies.

Thorpe and Slawson cabled the above to War Department. I attached little or no importance to it and view it with some suspicion. Such have been common since 1936.

Signed "Foote."

That is the end of the message.

General RUSSELL. Then, it is true that from S. I. S. and from those two messages which you have just read the same information came,

and the S. I. S. information apparently was sent to you or you received it on two or three different occasions there, two or three different reports, as I recall your testimony.

Captain SAFFORD. That is correct, except they were Navy translations, and we gave them to S. I. S.

General RUSSELL. Yes.

Captain SAFFORD. They happened to be Navy translations.

General RUSSELL. Where did they pick them up?

Captain SAFFORD. We intercepted the messages at Bainbridge Island, Washington, near Bremerton, and they were forwarded to Washington by teletype.

General RUSSELL. Whom were those messages from and to [131] whom were they being sent, if you recall?

Captain SAFFORD. They were from the Foreign Office in Tokyo and addressed to Jap Consuls all over the world. These particular ones which we got I think were addressed to America. I am not just certain. I know that message was relayed all over the world.

General RUSSELL. Where are those messages now, Captain, those S. I. S. messages to which you have referred?

Captain SAFFORD. The S. I. S. messages I believe are in the custody of the G-2, General Staff, and the same messages except filed under the Navy number are out at 20G, that communication annex on the corner of Massachusetts Avenue and Nebraska Avenue.

General RUSSELL. In other words, your testimony is now to the effect that, insofar as you know, copies or the originals of these messages which we will describe as the S. I. S. messages are filed both with the Navy and the Army?

Captain SAFFORD. That is correct, sir.

General RUSSELL. Now, in order to keep the record more or less logical, before we deal with the Nomura message to our state, the paper of November 26, I am going to ask you to tell us about the follow-up on this code about which you have been talking, whether or not on or about December 4th you did receive information which indicated that the Japanese Empire had employed this code and the intercepted messages indicated final decisions affecting the United States, Russia, Britain; one or more of these powers.

Captain SAFFORD. Yes, sir, we did. That was received in the morning of Thursday, December 4, 1941. It was received [132] about 8 o'clock at one of our East Coast intercept stations and sent in to the Navy Department by teletype. I saw it when I first came to the office. I, it seemed, had no more than sat down to my desk when Lieutenant Commander Kramer, who was our senior language officer, and Lieutenant (junior grade) Murray, who was the watch officer from my section, came into my office, and Murray held up a yellow teletype sheet and said, "Here it is," and they put it on the desk for me, and it was a message, oh, I would say of 200 words or so, in Japanese, with this "Winds" code, you might say, contained in it and underscored, and the writing at the bottom in lead pencil in Kramer's handwriting, "War with England, war with America, peace with Russia."

The message as received was not the way we expected it, because they had mixed up their voice procedure with the Morse code message. It was the full thing; it wasn't just the one word; it was the "East wind rain" and all the rest of it. And to further confuse it they

gave a negative form of "North wind cloudy." What it was I don't know, but it didn't look like anything we had sent, and there was some confusion as to what they meant by it; but we knew from other sources that they were definitely not going to attack Russia at that particular time, and that was very clear. And that original message was immediately taken up by the watch officer, Lieutenant (junior grade) Murray, and given to Admiral Noyes, in accord with some special orders which had been issued for the occasion.

General RUSSELL. Where is that original message now, Captain?

[133] Captain SAFFORD. That original message cannot be located and has not been seen since the time it was given to Admiral Noyes, unless it was given to the Roberts Commission and filed with their papers.

General RUSSELL. What record of that message was made in the office with which you were associated at that time?

Captain SAFFORD. Unfortunately, we cannot find any written record of the message. We have looked now for more than six months.

General RUSSELL. What was done in connection with the delivery of that message to the War Department, if anything?

Captain SAFFORD. The duplicate copy from the teletype was taken and translated in normal fashion, and four copies of the translation interpretation made. Two were sent out to the War Department and I presume sent over that morning, because we made two or three delivery trips a day, and we were then in the Navy Department, and the Army unit was in the Munitions Building, so we were very convenient to each other. In fact, we had a special telephone line, a trunk line which did not go through any switchboards; so, anything important, we would pick up the receiver and talk right to the other party, get them immediately, which we used if we couldn't have a special courier or if anything hot came up. And also I know that in the Navy Department that copy was distributed around noon, in connection with the daily routine distribution of translations, and that went to the Chief of Naval Operations, Assistant Chief of Naval Operations, Director of Naval Communications, Director of Naval Intelligence, and the Director of War Plans Division, also went to the State Department and to the White House.

[134] General FRANK. And this was on what date?

Captain SAFFORD. On the 4th of December 1941.

General RUSSELL. Have you helped or been active at all in this search which has been made in the Naval Department to discover this original message.

Captain SAFFORD. I have. As a last resort I requested copies of the message repeatedly from 20G, and on the last occasion I asked the officer in charge, who was Captain Stone, to stir his people up a little harder and see if they couldn't make one more search and discover it. And when Captain Stone discovered it couldn't be found, he called for—required written statements for anybody who might have any notice of that; and though the written statements disclosed a lot of destruction of other messages and things—not messages, but the intercepts; not the translations—nothing ever came to light on that message, either the carbon copy of the original incoming message, which should have been filed with the work sheet, or of the translation. And one copy of the translation should have been filed under the JD num-

ber, which I think is 7001, because that number is missing and unaccounted for, and that falls very close to the proper date. It actually comes in with the 3rd, but things sometime got a little bit out as far as putting those numbers on was concerned. And the other should be filed under the date and with the translation. We had a double file.

The last time I saw that message after the attack on Pearl Harbor about the 15th of December, Admiral Noyes called for the assembling of all important messages into one file, to show as evidence to the Roberts Commission; and Kramer [135] assembled them, and I checked them over for completeness and to see that we strained out the unimportant ones; and that "Winds" translation, the "Winds execute," was included in those. I do not recall whether that ever came back or not. So far as I know, it may even be with the original papers of the Roberts Commission. It never came back that I know of, and we have never seen it since, and that is the last I have seen of it.

We also asked the people in the Army on several occasions if they could run it down and give us a copy. We were trying to find out the exact date of it and the exact wording of the message, to run this thing down and not make the thing a question depending upon my memory or the memory of Kramer or the memory of Murray, who do distinctly recall it.

General FRANK. To what specific office in the War Department was that message delivered; do you know?

Captain SAFFORD. That message and all messages were delivered to the people in the Signal Intelligence Service. It probably went to Major Doud, who was in charge of the Japanese section of the S. I. S. at that time.

General FRANK. It was not transmitted to G-2? It was transmitted to the Signal Intelligence Service?

Captain SAFFORD. Yes, sir; and from them to G-2 and any other distribution they made. They usually gave those to Colonel Bratton, who was the head of their Far Eastern Section. He normally handled the dissemination and distribution himself.

General GRUNERT. This message originated on the East Coast, didn't it? Have they any record of it?

Captain SAFFORD. All of this—

[136] General FRANK. West Coast.

Major CLAUSEN. West Coast.

General GRUNERT. Where did it originate?

Captain SAFFORD. It came from Tokyo, but it was intercepted on an East Coast station.

General GRUNERT. East Coast.

Captain SAFFORD. And all the station logs unfortunately had been destroyed sometime during '43. The ones that had been sent into the Navy Department had all been burned up. Every time they moved in connection with expansion a lot of stuff got burnt.

General GRUNERT. That is S. O. P., is it? Standing Operating Procedure?

Captain SAFFORD. More or less. And the station logs had been retained for some time, but they had all been destroyed within the year. When we started looking for it, the only station logs that remained intact were those from the Bainbridge Island, Washington, station, and we looked through there on the off chance they might have had it, but they didn't.

Colonel TOULMIN. May I ask him a question? Are you through?

General GRUNERT. I have a question here, but you may proceed.

Colonel TOULMIN. Captain, you stated in your last long answer that a copy of this December 4th message, this final message from Japan, was sent to the White House. What proof have you of the fact that it did go to the White House?

Captain SAFFORD. Everything we got from November 4th— [137] I mean, from November 12th on, was sent to the White House.

Colonel TOULMIN. To whom was it sent in the White House?

Captain SAFFORD. It was taken over personally by Commander Kramer and was given by him to the Naval Aide to the President, Admiral Beardall, and Admiral Beardall took it in to the President, and when the President was through with them and returned them he gave them back to Kramer. Sometimes Kramer gave them to Admiral Beardall in the Naval Department; sometimes he took them to the White House.

Colonel TOULMIN. And the copies that were shown to the President came to the White House from the Navy Department?

Captain SAFFORD. Yes. It was the same copy that everybody else saw in the Navy Department.

Colonel TOULMIN. It was circulated copy?

Captain SAFFORD. It was circulated copy.

Colonel TOULMIN. Did the President get it first or did he get it last?

Captain SAFFORD. Normally he got it last.

Colonel TOULMIN. What date would you say that under that procedure he would have gotten the December 4th message?

Captain SAFFORD. On December 4th.

Colonel TOULMIN. Not later than that date?

Captain SAFFORD. Not later than that. There was a regular routine that we went through, including a trip to the downtown post office to pick up the messages, have them photographed, and return, and it was all worked in on that trip. There were several more messages such as that, in addition to the White House, and Commander Kramer went downtown and picked them up on the way back. If he gave [138] them to Admiral Beardall here, why, he took a little bit longer coming back. Sometimes he was late coming back from the White House, didn't come back until late in the evening.

Colonel TOULMIN. Was the Secretary of State, Mr. Hull, on this circulatory list?

Captain SAFFORD. Yes, sir.

Colonel TOULMAN. But he was shown them by the Army through a special arrangement?

Captain SAFFORD. At one time we had taken a month's duty on it, and that had gotten them into trouble, and all orders were based on that arrangement. Now, from the 12th of November the orders were made by the Navy Department. From then on we would show everything to the President, and then in turn the Army would show everything to Secretary Hull. Colonel Bratton took those in to him, and so again it was a matter of a routine daily delivery of everything.

Colonel TOULMIN. Was the showing of such message by the Army to Secretary Hull coincident with the showing of the message to the President by the Navy?

Captain SAFFORD. Coincident but independent; might be quicker, and might be later.

Colonel TOULMIN. But it would be substantially within the same period?

Captain SAFFORD. But it would be substantially within the same day.

Colonel TOULMIN. That is all.

General GRUNERT. In that connection, I am interested in a statement made by you that indicated to me that at sometime in the not too distance past it was not intended to give the Navy Court of Inquiry and the Army Board certain secret information. Were there any instructions on that subject? [139] And, if so, what instructions lifted that ban?

Captain SAFFORD. It is a rather long story. Admiral Kimmel's counsel or Admiral Kimmel requested the Secretary of the Navy to furnish him a copy of Admiral Hart's report, which was done, and on the basis of that he requested permission for his counsel—I think it was Captain Lavender who actually did it—to inspect all the files out at 20G, communications intelligence files, to see what information had been in existence in the Navy Department. This was done, and Captain Lavender submitted a request for certified translations, photographs of roughly sixty of these messages. They were prepared and turned over to the Director of Naval Communications; and in the meantime, since the Army had an interest in it, somebody in S. I. S. was notified, and they protested; and I can't recall the names, but a Colonel and a Major came over from G-2 to see Admiral Sherman and protested against permitting top secret stuff to be made a part of any official record; and I was called in on the thing. So were Captain Rochefort and Captain Murphy, who was Acting Director of Naval Communications, and all interested parties.

Admiral Sherman said that he would recommend to uphold the objection, and Secretary Forrestal issued an order in writing—or Acting Secretary Forrestal—that this stuff was not to be made available to this inquiry. And I went on leave at that point, and when I came back from leave, or some time, the Secretary—excuse me. I am mixed up. It was Secretary Bard who disapproved it, and when Secretary Forrestal came back from London he reversed the decision and said to make [140] this stuff available, and so it was all introduced as evidence before the Navy Court of Inquiry, these selected sixty-odd messages, before I appeared on the witness stand, but I know all about it because I was called in before Admiral Sherman to give my opinion as to the advisability, and so forth.

Colonel TOULMIN. Was anything further heard from the Army in protest of this decision of Secretary Forrestal?

Captain SAFFORD. Not that I have ever heard.

General FRANK. Who has official custody of these sixty messages at the moment?

Captain SAFFORD. The Recorder of the Navy Court of Inquiry. That is Commander Harold Biesmeier.

General FRANK. If it was the desire of these Boards to get a copy of those sixty messages, to whom should the request be made?

Captain SAFFORD. I would state, to the Secretary of the Navy, in the case of the Army.

Colonel TOULMIN. May I ask him just one question :

In these sixty messages will we find this message of December 4th which you said heretofore was missing, or is it still missing?

Captain SAFFORD. That is still missing.

General RUSSELL. I want to ask a question about that: When it went to 20G it was filed?

Captain SAFFORD. Yes, sir.

General RUSSELL. And now it is out of 20G's files; is that true?

Captain SAFFORD. The original distribution copies were collected for the Roberts Commission, at Admiral Noyes' order, [141] because a great many of them had initials of at least Admiral Ingersoll, who used to very frequently initial something. He was the only one who ever did. I don't know why he did it, what it indicated, but his initial is on them, showing that at least he saw them, and those were the originals that he has. There should have been a duplicate made to take its place. They were trying to turn loose of everything because there were duplicates prepared of everything. That is the only message in the whole file that is missing that couldn't be located.

General RUSSELL. Well, now, let us have JD 7001. Tell us what JD 7001 is.

Captain SAFFORD. Well, the JD was just an arbitrary designation for a file among the S. I. S. files, put on Army copies, and they were all given a serial number for quicker use and identification, so we can refer them to that then and not spill any beans.

General RUSSELL. Well, what I mean now, Captain, is: Was there a file over there in the Navy Department which was called the JD file in which you had papers?

Captain SAFFORD. Yes, sir. That is at 20G too. That file is complete from the very first one, from No. 1 up until the time that the Navy gave this up and turned the whole thing over to the Army sometime in '42.

General RUSSELL. What is the point, then? In 20G you have a 20G file where you put all these messages; and also in 20G you have a JG file where you put duplicates of all these messages; is that right?

[142] Captain SAFFORD. Yes, sir. One set, the original distribution copy—they were all filed by date of origin, and they were the ones that we used for dissemination, that were circulated; and then very often, if a previous message was referred to, that message would be taken out again and appended to the original message, so the higher authority could see exactly what they were talking about, and not have to be talking on our briefs.

General RUSSELL. Well, now, let us talk cases.

Captain SAFFORD. Yes, sir.

General RUSSELL. I want to know if over there in 20G you had a place where you had 20G files of messages, and then over here some other place you had a JD file which was separate and distinct from the one I have just discussed.

Captain SAFFORD. Yes, sir.

General RUSSELL. But you had messages over there in the JD file?

Captain SAFFORD. We had. Yes, sir; that is correct.

General RUSSELL. And they were the same as the ones in the 20G file?

Captain SAFFORD. Yes, sir, but they were in a different order.

General RUSSELL. All right. Now, this message of December 4th, when it went to the JD file, was given the number, according to your testimony, of 7001?

Captain SAFFORD. It probably was.

General RUSSELL. You don't know that?

Captain SAFFORD. Not to know; only circumstantial evidence.

General RUSSELL. Well, in JD 7000 in that file now?

[143] Captain SAFFORD. JD 7000 is there, and 7002.

General RUSSELL. But 7001 just isn't there?

Captain SAFFORD. The whole file for the month of December 1941 is present or accounted for except 7001.

General RUSSELL. Now let us talk about 20G, which is some other place in this office. Is this December 5th message the only one that is out of those files?

Captain SAFFORD. That is the only one that we looked for that we couldn't find. It is possible that there will be others missing which we haven't looked for, but we couldn't find that serial number. We looked all through the month to make certain. That is the only one that is missing or unaccounted for. The Army had a similar system. They filed their paper on a similar idea.

General RUSSELL. A little while ago, in response to questions from Colonel Toulmin about the delivery of copies of this message of December 4th to the White House and to the State Department, your response was to the effect that this was a normal routine procedure on and after November 4, 1941?

Captain SAFFORD. November 12, sir.

General RUSSELL. November 12, '41. Now, you are testifying, Captain, that this particular message of December 4th went over there because of routine, or do you have any knowledge of this particular message as having gone over there?

Captain SAFFORD. I have no particular knowledge of that message having been circulated other than it was the routine to circulate everything. Also, that was included when Kramer collected the messages which had been distributed before; that message was among those present, and that was turned over to [144] Admiral Noyes about the 15th of December, 1941, for the purpose of presenting to the Roberts Commission as evidence.

General RUSSELL. The last time, then, that you have seen the message, you say, the message of December 4th about which you are testifying now, was on or about the 15th of December, 1941, when Admiral Noyes was collecting certain information to deliver to the Roberts Commission?

Captain SAFFORD. That is correct, sir.

General RUSSELL. And did you see this message of December 4th among the messages that had been collected by Admiral Noyes to deliver to the Roberts Commission?

Captain SAFFORD. Yes, sir; that was among those.

Colonel TOULMIN. Where is Kramer now?

Captain SAFFORD. He is in the Pacific somewhere.

Colonel TOULMIN. You don't know?

Captain SAFFORD. I think he is at Honolulu. I am not certain. He was at Noumea.

General RUSSELL. Did anyone other than Commander Kramer deliver these messages to the White House, that you know of?

Captain SAFFORD. During the month of December—from November 12 on, all deliveries to the White House were made by Kramer or by Admiral Beardall—or through Admiral Beardall. I think Kramer saw the President himself on only one or two occasions.

General RUSSELL. Captain, you have no doubt in your mind that that "Wind" message of December 4th contained information as to the disposition of the Japanese Empire toward the American Government?

[145] Captain SAFFORD. I am absolutely convinced now, and I was at the time.

General RUSSELL. Yes, sir.

Captain SAFFORD. This isn't second guessing at all.

General RUSSELL. In your testimony before Admiral Hart, which I will show you, you gave the Japanese expressions which apparently were those in that message of December 4; is that right?

Captain SAFFORD. Yes, sir.

General RUSSELL. Reference to that record, the Hart record, which I have just shown you, indicates that you testified before Admiral Hart on or about what date?

Captain SAFFORD. Late in April, as I recall.

General RUSSELL. I think it is there somewhere, (indicating).

Captain SAFFORD. April 29th.

General RUSSELL. Now let us turn back to the message. From what source did you obtain these Japanese expressions or words which are found in your evidence given to Admiral Hart?

Captain SAFFORD. I got those from the messages setting up the "Winds" code, plus my recollection of the events: that two came exactly as we expected them, that is, the one for America and for England, and also the negative form of the Japanese for "North wind cloudy." I do not know enough about Japanese to be able to give that from memory. I mean, I remember that it was exactly what we expected to get on those two occasions, and garbled up on the Russian business.

General RUSSELL. Then, the memorandum from which you refreshed your recollection at the time that you testified [146] before Admiral Hart, as a matter of fact, was the code that you had discovered prior to November 28, 1941, and you took that language from that Japanese code and compiled from recollection the message of December 4th and gave that to Admiral Hart as being the message of December 4th; that is the truth?

Captain SAFFORD. That is correct, it being the essential or the substance of what we were interested in, because there was a lot more which was just straight Japanese news, and I couldn't make head or tail of it.

General RUSSELL. You don't know of any reason why, when this message reached the War Department, a different construction should have been placed upon it to the effect that nothing was in the message as to the probable intentions of the Japanese Empire with respect to the United States Government?

Captain SAFFORD. I do not, and I had never heard that any such thought existed.

General RUSSELL. If I am stating that that thought did exist or that we have evidence to that effect, this would be the first time that you have ever heard it?

Captain SAFFORD. This would be the first time that I have heard of it. I might say that we often differed on translations of Japanese messages, and the very important ones were always retranslated by the other service independently, as a checkup; and if there was a marked difference both translations were given to higher authority to let them make their choice. But we received nothing back from the War Department indicating that they were not satisfied with our translation.

[147] General RUSSELL. At about the time that these messages were being received, say in December prior to Pearl Harbor and shortly thereafter—and I have reference now to this message of December 4th—do you recall having discussed that message with any officer of the Army who was charged with the receipt of such messages and their evaluation?

Captain SAFFORD. I do not recollect any discussion of it with Army officers. I do know that somebody from my office discussed the interception with the Army, because when Colonel Guest requested the F. C. C. to watch for that message at their intercept station at Portland he gave them the telephone number of the 20G watch officer so that if it came at night he could get it in without losing any time. As a matter of fact, again next night, on the evening of the 4th, the F. C. C. did pick up a message that was apparently just part of a routine weather broadcast, and that was phoned over to the watch officer, Brotherhood, Lieutenant (junior grade) Brotherhood, about 9 o'clock on the evening of December the 4th, and that caused a lot of confusion because talking in veiled language we got the two things mixed up. The false "Winds" message was mixed up with the true one. There was a lot of confusion in our minds until Brotherhood came back from Honolulu and we had a chance to talk with him in the last couple of weeks, and we were straightened out in a moment on that one.

General RUSSELL. Could that have confused the thinking in the War Department as to the full force and effect and meaning of the "Winds" message of December 4th?

Captain SAFFORD. I don't see how it could have, because [148] our message came in and came twelve hours before the other one; but, as I say, they might have disagreed with our translation or they might have disagreed with our evaluation. The evaluation was out of our hands, and that is a function of Naval Intelligence, and they were supposed to discuss that with Military Intelligence, and if they disagreed with us they never told us.

Colonel TOULMIN. May I ask him a question there?

General RUSSELL. Yes.

Colonel TOULMIN. Captain, as I understood your testimony, the Japanese Ambassador in one message indicated that the United States statement of its position on the 26th of November, 1941, as given by Secretary Hull to the Ambassador, was an ultimatum. Was I correct in understanding your testimony something to that effect?

Captain SAFFORD. Will you please give the question again?

General RUSSELL. Before we answer that, Colonel Toulmin has gone into a subject I was about to go into that is wholly dissociated

from the "Winds" message. Now, is there anything else we want to develop on the "Winds" message?

General GRUNERT. What I want to find out is: Have you ever talked to Kramer about this message since, about its being missing or about its interpretation or about its delivery to the President?

Captain SAFFORD. Kramer has been gone from the country for more than a year and a half. In fact, he has been gone for some time. I discussed it at length just before he left. We didn't know it was missing then, and I have written to Kramer [149] about it since, to refresh my memory on things I wasn't clear on; but with censorship and everything, and top secret stuff, the information which was sent had to be extremely vague both ways. I didn't discuss that particularly with Kramer. I never asked Kramer particularly if he showed that particular message to the White House or not. He never said it hadn't been.

General RUSSELL. In your discussions of this message with Kramer was there ever expressed by Kramer any doubt as to its existence and as to the interpretation of the message which you have placed on it?

Captain SAFFORD. There never has by Kramer, and Murray has also assured me of its existence, because for a while it looked as though my memory had been playing me tricks, because a lot of the people knew about it by hearsay but had not seen it themselves. It was kept very secret and was rushed through very fast.

General RUSSELL. Well, the question I asked: Were you and Kramer, in all of these conversations, in agreement that the message came in as you have described it to us, and were you in agreement as to its interpretation and as to its general effect?

Captain SAFFORD. Yes, sir; Kramer and I were in complete agreement.

Colonel TOULMIN. I should like to find out to whom this "Colonel and Major" refers.

Major CLAUSEN. Sir, you mentioned that certain information you assumed was not going to come before the Army Board or the Navy Court of Inquiry.

Captain SAFFORD. Yes.

Major CLAUSEN. And that later on you discussed or there [150] were discussions with a Colonel and a Major from G-2. You do not recall those names at this time?

Captain SAFFORD. I do not recall the names.

Major CLAUSEN. Did you talk with these men yourself?

Captain SAFFORD. Only generally, in the presence of Admiral Sherman. Generally everybody addressed their remarks to Admiral Sherman.

Major CLAUSEN. Could you ascertain from the records who these men were?

Captain SAFFORD. I believe I can.

Major CLAUSEN. Will you do that, and let us know?

Captain SAFFORD. Yes, sir. As a matter of fact, I think Biesmeier was there.

Major CLAUSEN. Yes, sir; if you will do that.

Now, you assumed that that information would not come before this Board or the Navy Board of Inquiry. Is there other information that you assumed would not come before the Boards?

Captain SAFFORD. No, sir. That was objected to because it was top secret classification and that if it became public it would be very detrimental to the war effort.

Major CLAUSEN. Is there other information of the same character that has been withheld, to your knowledge?

Captain SAFFORD. No, sir.

General GRUNERT. I suggest we have a short recess at this point.

(There was a brief recess.)

Colonel TOULMIN. Would you read my question to the Captain, please?

[151] The REPORTER (reading) :

Captain, as I understood your testimony, the Japanese Ambassador in one message indicated that the United States statement of its position on the 26th of November, 1941, as given by Secretary Hull to the Ambassador, was an ultimatum. Was I correct in understanding your testimony something to that effect?

Captain SAFFORD. No, sir. I am sorry if I created that impression. I said that Kramer and I regarded that message as an ultimatum, and that Ambassador Nomura sent a message in which he said that he had failed his Emperor again and that his humiliation was complete.

Colonel TOULMIN. And that message of Nomura was sent after the 26th meeting?

Captain SAFFORD. It was sent after the message, I believe; the message after the one in which Nomura transmitted Secretary Hull's note of November 26, 1941.

Colonel TOULMIN. That is all I want.

General RUSSELL. Was that all, as you recall, that was said in Nomura's message at that time?

Captain SAFFORD. If you let me check on that, sir (examining papers).

Speaking entirely from memory, Nomura made some comment to the effect that Tokyo, of course, could not accept America's proposal.

General RUSSELL. Was a record made in the Navy Department of this particular message of Nomura's at that time?

Captain SAFFORD. No more so than for the other message [152] of the same time. The official evaluation of all of this was the function of Naval Intelligence, and I have no idea what they might have done.

General RUSSELL. That is not the point. Is there any reason why we couldn't obtain a copy of Nomura's message, about which you are now testifying, from the records of the Navy Department?

Captain SAFFORD. Oh, yes, sir; they are in existence.

General RUSSELL. Do you think that this particular message is among those sixty messages to which reference has been made already?

Captain SAFFORD. I think it very likely, but I couldn't say for certain.

General RUSSELL. In your testimony before Admiral Hart, Captain, you stated that:

At 9:00 p. m. (Washington time), December 6, 1941, we received positive information that Japan would declare war against the United States, at a time to be specified thereafter.

Could you give the Board the basis for that statement?

Captain SAFFORD. Yes, sir. It is contained in two messages dated December 6, 1941, one of which may be identified as JD No. 7149, I

believe (I am giving that from memory; it isn't quoted here); and the other one is S. I. S. 25843. The first message stated that the Japanese Government—

General FRANK. Will you identify it?

Captain SAFFORD. What?

General FRANK. Will you identify it as to which one it is?

Captain SAFFORD. The one which I have as JD No. 7149 also [153] can be identified as Tokyo Serial No. 901; it advised Nomura and Kurusu that the Japanese Government's reply to the American Government's memorandum of November 26, 1941, would be contained in Serial No. 902, which would be very long, in fourteen parts, and in English; that this was to be typed smooth and held extremely secret, and was to be delivered to the American Government only on further orders which were to be given in the case.

S. I. S. 25843, which is Tokyo Serial No. 902, was the Japanese declaration of war, which was presented to Secretary Hull in the afternoon of December 7, 1941, about three-quarters of an hour or so after the Japanese attack on Pearl Harbor. By 9 p. m. on December 6, 1941, we had received the first thirteen parts of that, and they were very abusive in language, accused the United States of all kinds of plots against Japan, and there was no doubt in our minds that that was a declaration of war, and we couldn't see the reason for withholding the fourteenth part. The fourteenth part came in somewhere around four or five a. m., it was enciphered about twelve hours later and that was distributed about 10 a. m.

General RUSSELL. Wait a minute.

Captain SAFFORD. It wasn't filed. It was filed about twelve hours after the other thing. We will put it that way. The Jap Government held that fourteenth part up specifically.

General RUSSELL. Now, Captain, you stated that the early message indicated that the later message, which was the long reply of the Japanese Government, would be received and would be sent in English?

Captain SAFFORD. In English, yes, sir.

[154] General RUSSELL. Well, did it actually come in in English?

Captain SAFFORD. It came in in English, so there was no delay on translation, no question as to meanings.

General RUSSELL. And then your testimony is that at 9 o'clock on Saturday on night before the attack at 1:30 p. m. the next day, you had thirteen-fourteenths or the first thirteen parts of the Japanese reply?

Captain SAFFORD. Yes, sir.

General RUSSELL. Now, then, you state that the remainder or the fourteenth part came in at four or five a. m., which was Sunday morning preceding the attack at one o'clock on the same day?

Captain SAFFORD. Yes, sir.

General RUSSELL. Is that true?

Captain SAFFORD. That is correct.

General RUSSELL. How did it come in, the fourteenth part? Was it received in plain English too?

Captain SAFFORD. That was also in plain English.

General RUSSELL. So this entire message which was the reply of the Japanese Government to the Secretary of State's message of No-

vember 26, '41, was in the possession of the Navy Department at four or five a. m. on December 7, 1941?

Captain SAFFORD. Yes, sir.

General FRANK. In plain English?

Captain SAFFORD. In plain English.

General RUSSELL. I regard that information as material, and want to develop it just a little further.

[155] Captain SAFFORD. Yes, sir.

General RUSSELL. As this message about which we are talking now appears in the book issued by the State Department, commonly referred to as the "White Paper," page 832 et sequentia, it has numberings which apparently are somewhat different from those referred to by you in your previous testimony. I am going to read paragraph 7 at page 838 of the book to which I have just referred, and then ask you whether or not you recall that paragraph as being the fourteenth part of the message which was received on or about four or five a. m. on the morning of December 7th.

Captain SAFFORD. Yes, sir.

General RUSSELL. I am reading from the book, paragraph 7, at page 838.

Captain SAFFORD. Yes, sir.

General RUSSELL. (Reading:)

(Excerpt from message of Japanese Government published in "White Paper" page 838, is as follows:)

Obviously it is the intention of the American Government to conspire with Great Britain and other countries to obstruct Japan's efforts toward the establishment of peace through the creation of a new order in East Asia, and especially to preserve Anglo-American rights and interests by keeping Japan and China at war. This intention has been revealed clearly during the course of the present negotiation. Thus, the earnest hope of the Japanese Government to adjust Japanese-American relations and to preserve [156] and promote the peace of the Pacific through cooperation with the American Government has finally been lost.

Paragraph not numbered:

The Japanese Government regrets to have to notify hereby the American Government that in view of the attitude of the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations.

From your memory can you, or not, identify that as the fourteenth part of the message to which you have referred?

Captain SAFFORD. That is the fourteenth part, and the "part" referred to the way that it was broken up for coding and radio transmission, not to the way they were numbered inside.

Paragraph 7 and the other unnumbered paragraph, in other words, were part 14th of that long message.

General RUSSELL. Yes. As it was broken up for sending?

Captain SAFFORD. For convenience in coding and sending.

General RUSSELL. You couldn't be mistaken about the fact that this language which I have just read you was in the possession of the Navy Department as early as four or five o'clock on that Sunday morning, could you?

Captain SAFFORD. No, sir. The intercepted message was received by them and was broken down and decoded and written smooth by about seven a. m.

General RUSSELL. What did you mean a moment ago when you used the term "twelve hours"? I am somewhat confused about that.

[157] Captain SAFFORD. The Japanese filed the first thirteen parts of the message twelve hours before they filed Part 14, so they were in and coded and distributed a long time before the Part 14 ever reached us. In fact we were afraid that we had missed Part 14, and the people on watch put in some very worried hours until it came in.

General FRANK. If it came in plain English, what do you mean by saying that it was coded?

Captain SAFFORD. Well, it came in in the Japanese code, I mean, but it wasn't in Japanese, and we had to break down their cipher and strip it all off and then clear it up with the garbled and the abbreviations and everything. But it came out in English; it didn't come out in Japanese that had to be translated by a language officer. It wasn't in clear.

General RUSSELL. Oh, all right. Now, what time did you have the first thirteen parts in clear?

Captain SAFFORD. We had them and typed up smooth ready for distribution about nine p. m. on the evening of December 6, 1941.

General RUSSELL. When did you have the last or the fourteenth section typed and ready for distribution?

Captain SAFFORD. At seven a. m. December 7, 1941.

General RUSSELL. Were they distributed?

Captain SAFFORD. The first thirteen parts were distributed that evening. Major Doud, who came down to assist, was given one or more copies for the War Department, and he was the authorized representative of the War Department; and what happened beyond that, we do not know, except that Colonel Bratton got a copy into the hands of the Secretary of State [158] by about ten p. m.

General RUSSELL. On December 6th?

Captain SAFFORD. On December 6, 1941, Kramer telephoned, phoned to the Director of Naval Intelligence, Admiral Wilkinson, and was told to be at the White House and deliver a copy there and then come right out to Admiral Wilkinson's house. Kramer got an official car and made that trip. The President was in a conference or holding a dinner party or something, so Kramer gave a copy to the White House aide and told him it was very urgent and to get it in to the President at the earliest possible moment.

Kramer reached Admiral Wilkinson's house about ten and found Admiral Beardall, the Naval Aide to the President, there at a dinner party. Admiral Turner, the Director of War Plans, was given a copy a little later. I am not certain of the circumstances, though I think Kramer went to his house.

Kramer got to Admiral Ingersoll's house about midnight and showed him a copy which Admiral Ingersoll read and initialed, I believe. Admiral Wilkinson phoned Admiral Stark about the thing, and also Admiral Turner phoned Admiral Stark about the thing. but so far as I know Admiral Stark did not see it that night and did not see it until the next morning.

When Kramer left he was given orders to be present with the message in Admiral Stark's office at nine o'clock Sunday morning, and then Kramer came back to the Navy Department about one a. m. to see if by chance Part 14 had come in, and to see if there were any

other developments, and told them about his appointment, told them to give him a call the next day and that [159] he would be down, and then went home and got some very much needed sleep, because he had been up on his feet since eight a. m. the previous morning.

When Part 14 came in, and another message which I haven't referred to here, but it may be identified as S. I. S. 25850 and was marked in the heading, "Urgent—Very Important," and said, when translated, "Submit our reply to the United States Government one p. m. on the 7th, your time," the men on watch realized that they had something particularly urgent, and they were restricted by orders signed by Admiral Noyes from sending out any information on their own authority. So all they could do was call Kramer and urge him to get down as soon as he could, and Kramer got down there sometime before nine o'clock and took all the information on hand up to Admiral Stark's office.

There is some question as to this S. I. S. 25850, just when that was ready for distribution. Lieutenant Pering, who was on watch, insisted that that had been sent over to the Army as soon as decoded, translated by Major Doud over there, and returned and was ready for delivery by 7:15 a. m., and that Kramer took it with him on his first trip.

Kramer told me—or as I remember from nearly two years—that he took that message on his second trip. It only makes a difference of an hour when they got the thing.

After delivering the message to the Chief of Naval Operations or to his aide, Kramer went over to the White House and left a copy for the President with Admiral Beardsall, who was there then, and then went to Secretary Hull's office and sent in a copy for Secretary Knox.

[160] General RUSSELL. Captain, you have testified rather definitely about the delivery of these first thirteen parts early in the evening of December 6th.

Captain SAFFORD. Yes, sir.

General RUSSELL. Thirteen parts of the message in the early evening, and you stated that all those deliveries were made by Kramer?

Captain SAFFORD. Kramer personally.

General RUSSELL. Yes. You weren't with him?

Captain SAFFORD. I was not with him; no, sir.

General RUSSELL. He was alone?

Captain SAFFORD. He was alone except for the driver of the car.

General RUSSELL. So your testifying as to that delivery is based on hearsay?

Captain SAFFORD. On Kramer's statements; the statements of Kramer and the driver of the station wagon who took him around.

General RUSSELL. When did he make these statements upon which you base your evidence now?

Captain SAFFORD. Kramer made his statements the 8th or 9th of December immediately after the event, when I discussed it fully with him. I called for statements. I talked to everybody concerned, to see if my people had been negligent in any way, that this thing had in any way been our fault. I made a very careful investigation.

General RUSSELL. Did you make any records of that investigation, Captain?

Captain SAFFORD. No, sir.

[161] General RUSSELL. No written record at all?

Captain SAFFORD. No written records.

General RUSSELL. You filed no report of that investigation with anyone?

Captain SAFFORD. No, sir.

General RUSSELL. Now, you have been testifying this morning quite considerably from this typewritten report which you have before you. I believe you have already sworn as to when you prepared that, haven't you?

Captain SAFFORD. Yes, I did, except for one thing. I will have to correct that. The original brief was prepared as stated. This final brief was prepared in August 1944, and is a condensation from the longer record prepared earlier. There is no new matter in it.

General RUSSELL. Now I think we have cleared up the long message, the incidents surrounding the receipt and delivery of the message which we will refer to as the reply message of the Japanese, which was the long 14-part message; and then you have testified as fully, I assume, as you can about the receipt of S. I. S. 25850, which you received in the Navy Department and which instructed the Japanese Ambassadors to deliver the long message at one p. m. that day.

Captain SAFFORD. Yes, sir.

General RUSSELL. We have cleared those things up rather fully.

Now, in your testimony before Admiral Hart, before us, appears this language which I think we must explore to some extent to clarify our record.

[162] Colonel TOULMIN. Are you going off this subject?

General RUSSELL. I was going off this subject.

Colonel TOULMIN. May I ask a question?

General RUSSELL. Yes.

Colonel TOULMIN. We would like to be very clear about this, Captain, and for that reason I am going to ask one more question:

As I got your testimony as to the delivery of the first thirteen parts of this message from the Japanese, that copy of thirteen parts was delivered to Major Doud on the evening of December 6th shortly after seven p. m., at which time it was written out smooth?

Captain SAFFORD. No, sir; nine p. m.

Colonel TOULMIN. Nine p. m. All right. So we have, now, Major Doud visting the Navy Department and receiving the thirteen parts just after nine p. m. on December 6; is that correct?

Captain SAFFORD. That is correct.

Colonel TOULMIN. Was anybody with Major Doud?

General FRANK. And this was given to him all translated and written out in English at nine p. m., December 6?

Captain SAFFORD. December 6; correct, sir.

Colonel TOULMIN. And was anybody with him?

Captain SAFFORD. Major Doud came in somewhere around four o'clock, I believe, and brought over a War Department stenographer who helped type these messages, and he stayed around until the job was done, and then started the distribution. So Army and Navy began, or could have begun, dissemination simultaneously. I have the young lady's name somewhere, but I [163] don't know it right now. I could find it out for you.

Colonel TOULMIN. Will you supply it to the Recorder of this Board, please?

Captain SAFFORD. I will get that. And also Mr. Rowlett, who was a civilian then but is a Lieutenant Colonel in the Reserve now, came down, who was working over in the War Department, and he had two or three assistants helping him, and they took out two parts of the message and sent them over to us.

Colonel TOULMIN. Now let us go to the part that Colonel Bratton played on the evening of December 6, 1941. You have stated that Colonel Bratton got a copy of these thirteen parts in English, translated, and delivered them to the Secretary of State prior to 10 p. m.

Captain SAFFORD. No, sir.

Colonel TOULMIN. Is that correct?

Captain SAFFORD. I said about 10 p. m.

Colonel TOULMIN. Well, on or about 10 p. m. on December 6 Colonel Bratton delivered a clear English copy of the first thirteen parts of this Japanese message to the Secretary of State, Mr. Hull?

Captain SAFFORD. That is correct, sir.

Colonel TOULMIN. Do you know whether he delivered it to him in person?

Captain SAFFORD. I do not, sir. That's all I know about it.

Colonel TOULMIN. Now, did Colonel Bratton come to the Navy Department to pick up this copy for this delivery to the Secretary of State?

[164] Captain SAFFORD. No, he did not. He did not come near the Navy Department that night.

Colonel TOULMIN. How do you know that Colonel Bratton did this?

Captain SAFFORD. Kramer told me that the only thing he knew about Army dissemination was that Major Doud was given a copy, the Army copies, at 9 p. m., and that by 10 or 10:30 p. m. Bratton somehow had got a copy to Secretary Hull, and that's all he knew about it.

Colonel TOULMIN. Where did he find Secretary Hull?

Captain SAFFORD. I do not know, sir.

Colonel TOULMIN. How many copies were delivered to Major Doud, on the evening of December 6, of these thirteen parts?

Captain SAFFORD. At least two and probably more, because this was the only occasion on which we made more than four copies of the translation. Personal copies were made for everybody who Kramer and Major Doud thought would require them.

Colonel TOULMIN. And approximately what time did Kramer get to the White House with the copy of the thirteen paragraphs in English?

Captain SAFFORD. Approximately between nine-thirty and ten.

Colonel TOULMIN. On December 6th?

Captain SAFFORD. On December 6, 1941.

Colonel TOULMIN. And then he went to the home of Admiral whom?

Captain SAFFORD. Admiral Wilkinson.

[165] Colonel TOULMIN. Admiral Wilkinson.

Captain SAFFORD. The Director of Naval Intelligence.

Colonel TOULMIN. And there he met the President's Naval Aide?

Captain SAFFORD. Yes, sir.

Colonel TOULMIN. And that was approximately ten p. m. on December 6, 1941?

Captain SAFFORD. Yes, sir.

Colonel TOULMIN. And thereafter Kramer went to Admiral Ingersoll and arrived about twelve p. m.?

Captain SAFFORD. About twelve p. m.

Colonel TOULMIN. And then nothing more was done with the Admirals and the copy until nine a. m. the following morning, in Admiral Stark's office; is that correct?

Captain SAFFORD. Except that Admiral Turner got a copy before midnight, either at his home or at Admiral Wilkinson's home.

Colonel TOULMIN. All right. Now, to make the record clear, will you please state the official position of each one of these Admirals that you have just now mentioned in this sequence of events?

Captain SAFFORD. Admiral Beardall was Naval Aide to the President, Admiral Wilkinson was Director of Naval Intelligence, Admiral Ingersoll was Assistant Chief of Naval Operations, Admiral Stark was Chief of Naval Operations, and Admiral Turner was Director of War Plans.

Colonel TOULMIN. When was this information as to the thirteen parts of the Japanese message first transmitted to [166] Admiral Kimmel at Pearl Harbor?

Captain SAFFORD. That was never transmitted.

Colonel TOULMIN. Now will you give a similar history of the movements and deliveries of the fourteenth part of this message, that is, the concluding part?

Captain SAFFORD. The fourteen part: Kramer left his office shortly before nine a. m. on Sunday, December 7, 1941, with Part 14 of the long message and all other translations which were on hand at that time; and according to one man's memory that included the message which said, "Deliver this to the State Department at one p. m., your time." According to my memory of what Mr. Kramer told me, that was not delivered—picked up—until an hour later. Kramer first went to Admiral Stark's office and gave the message either to Admiral Stark in person or to his Aide. He then went to the White House and gave the messages to the Naval Aide to the President. He then went to the State Department and gave the messages to Secretary Knox, or at least sent them in to Secretary Knox.

The previous evening Secretary Hull had called Secretary Stimson and Secretary Knox on the telephone and arranged a conference at his office in the State Department at ten a. m. on Sunday, December 7, 1941, and requested that Kramer and Bratton be there.

Kramer left the State Department shortly after ten a. m. and returned to the Navy Department about ten-twenty a. m. There he found some messages which had come back from the War Department translated, and also another message, which may be identified as S. I. S. 25856; and the translation of that, as distributed, stated, "Relations between Japan and England are [167] not in accordance with expectations."

That was another secret way of getting the news around to the Japanese Consuls. That was sent to every Japanese Consulate in North and South America. The translation unfortunately was incorrect. It should have included America and should have been much

stronger than that. But this was not called to the Navy Department's attention until long afterward. The War Department again did not agree with our translation. Kramer took this message around, and possibly the other message which said, "Submit our reply to the U. S. Government at one p. m. on the 7th, your time," and reached the Chief of Naval Operations around ten-thirty, and then next the White House, where he again gave the copy to Admiral Beardall for the President, and finally reached the State Department about 11 a. m. with it.

There is another matter which I would like to add: that at the time Kramer submitted SIS 25850 to Secretary Knox he sent a note in with it saying, in effect, that this means a sunrise attack on Pearl Harbor today and possibly a midnight attack on Manila.

General RUSSELL. How do you know that?

Captain SAFFORD. Kramer told me.

General RUSSELL. When did he tell you?

Captain SAFFORD. Kramer told me that just before he left Washington to go to Honolulu for duty. He had not dared——

General FRANK. Which was when?

Captain SAFFORD. Which was the spring of 1943, as I recall. He had not dared to let anybody know that up until that time.

[168] General RUSSELL. Are there any further questions about these messages now, before we go to December 7th, the other message?

Colonel TOULMIN. I am content.

General RUSSELL. Captain, I will repeat the question which I withdrew from the record a little while ago.

Captain SAFFORD. Yes, sir.

General RUSSELL. Reading now from your evidence to Admiral Hart:

Finally, at 10:15 a. m. (Washington time), December 7, 1941, we received positive information from the Signal Intelligence Service (War Department) that the Japanese declaration of war would be presented to the Secretary of State at 1:00 p. m. (Washington time) that date.

Do you recall that testimony?

Captain SAFFORD. Yes, sir.

General RUSSELL. Would you please give the Board the basis of that statement?

Captain SAFFORD. The basis of that is the translation of this document, S. I. S. 25850, and it also may be identified as Tokyo Serial No. 907, dated December 1941, addressed to the Embassy, Washington.

General RUSSELL. Now, that is S. I. S. 25850?

Captain SAFFORD. Yes, sir.

General RUSSELL. A moment ago when you testified from that message, the only substantial thing that I recall was to the effect that the Japanese Ambassadors had been instructed to [169] deliver the message at one p. m.

Captain SAFFORD. That is correct.

General RUSSELL. Now, therefore, your statement to Admiral Hart was based exclusively on S. I. S. 25850?

Captain SAFFORD. And 25843, which was the 14-part message.

General RUSSELL. Oh, yes. Then, this message 25850 did not reach you until about 10:15 A. on Sunday?

Captain SAFFORD. That is according to my recollection of what Kramer told me. And yet, Pering and Brotherhood stated, and both

insist, that that was available for distribution by 7:15 a. m. and that Kramer took it on his first trip, an hour earlier. It only makes a difference of an hour either way.

General RUSSELL. With Part 14?

Captain SAFFORD. Part 14.

General RUSSELL. Well, all right. Now I want to ask you about another message, then, which apparently you did not testify about. That clarifies the record on that.

There is information in this record to the effect that on or about 8:30 A. (8:30 A. M.) on the 7th of December there was delivered to Colonel Bratton, about whom you have testified and whom you apparently know, from the Navy or by the Navy (it was delivered to Colonel Bratton by the Navy) a message to the effect that the Japanese had been instructed to deliver the ultimatum at one p. m. December 7, '41, and to destroy their code machine.

Captain SAFFORD. Their remaining code machine; that is correct, sir.

General RUSSELL. Their remaining code machine. Now, with this statement from me, do you now associate [170] what I have just stated with S. I. S. 25850, or was that an entirely different message?

Captain SAFFORD. I recall a message directing the destruction of their code machine, and I believe that was included as a second sentence of 25850, but could not swear to it. It might have been a separate message.

General RUSSELL. Then, Captain, there is some confusion as to whether or not the Navy sent this message to Bratton or whether Bratton sent it to the Navy, assuming that we are discussing only one message, to wit, S. I. S. 25850. Could you throw any light on that?

Captain SAFFORD. About four or five messages came in between four and five a. m.; that we broke them down into the raw Japanese and then sent them over to the Army for translation. No. 25850 had already been translated by Lieutenant Brotherhood, who got the correct meaning out of it and realized how important it was; but Brotherhood was just a beginner in Japanese, and his translations could not be trusted, and it had to go over to the War Department for translation by a qualified language officer.

General RUSSELL. If the record here shows that a message similar to 25850 was received in the War Department about eight-thirty, would that or not be consistent with the facts as you now remember them as they developed in the Navy Department?

Captain SAFFORD. I think that would be consistent, on the whole, and more consistent with Kramer's recollection than with Pering's recollection of it.

General RUSSELL. Where now is there a record of S. I. S. [171] 25850?

Captain SAFFORD. That is on file in the Navy under the JD 7145, and I believe it is also on file in the War Department.

General RUSSELL. Do you know whether or not this message is one of those which has been referred to as the sixty messages recently delivered to the Board of Inquiry of the Navy?

Captain SAFFORD. Very definitely; yes, sir; that one was. Also 25843 and the other one which is identified as Tokyo Serial No. 901.

General RUSSELL. Captain, have you a list of these sixty messages about which you have testified?

Captain SAFFORD. Let's see. I have a list, I believe, of the numbers of 29 of them, the ones which I had thought important, which I had briefed: in other words, on my going over it about half the ones I thought important, and half I didn't see the significance at all of being briefed. I haven't got it here, but I have got it in my office. I can send the list over if you would like it, sir.

General RUSSELL. Now let me ask you this: Have you got the original list of sixty, as well as the list of 29 selected messages, over there in your office?

Captain SAFFORD. I do not have it, but I believe that the Judge Advocate of the Court must have it, and I believe the Director of Naval Communications has a copy. I haven't a personal copy of it.

General RUSSELL. But you do have the list of 29 that you selected?

Captain SAFFORD. I do have the ones that I thought were [172] important, because I had to check them over.

General RUSSELL. Does that list contain descriptions of sufficient clarity and definiteness and fullness for us to identify the messages and get some conception of what they contain?

Captain SAFFORD. The list merely gave the JD file number of them. That was done on purpose so as not to let anything out of the bag on it, and I have them briefed here.

General RUSSELL. Captain, you have now no record at all which contains the contents of this "Wind" message of December 3rd or 4th, 1941?

Captain SAFFORD. That is correct.

General RUSSELL. You tell the Board that you do not know whether that message is in existence or not?

Captain SAFFORD. There is a possibility that the original distribution copy of that message is in existence in the Navy Department in the hands or in the safe of some high official, probably the Vice Chief of Naval Operations if it is in existence, possibly the Secretary of the Navy. Admiral Hart made a statement to me which implied that he had sighted it and that I was not justified in the statement that all copies of the "Winds" message had been destroyed, or all the Navy Department copies had been destroyed.

General RUSSELL. Are you in a position to tell this Board that that message, to wit, the "Winds" message of December 3rd or the 4th of December, '41, is not included in the sixty messages recently submitted to the Court of Inquiry of the Navy now investigating the incidents surrounding the attack on Pearl Harbor?

[173] Captain SAFFORD. That is correct, sir; that is not included in those sixty messages. A separate request was submitted for the "Winds" message, and they were unable to find it. I was called in at the time to tell everything I knew about it, and I advised them they had better check first with the F. C. C. for the original because I thought at the time the F. C. C. had actually intercepted and got something that was pretty much like it but not the real thing. So I happen to know about that. They were not able to find it. A determined search was made for it.

General RUSSELL. General, I think this about exhausts my examination of this witness.

General GRUNERT. Are there any other questions?

Major CLAUSEN. I have one, sir.

General GRUNERT. All right.

Major CLAUSEN. In connection with the answer that you just gave to General Russell you stated that Admiral Hart informed you he had cited a distribution list. Do you recall that?

Captain SAFFORD. No, sir. That he had sighted the actual "Winds" message.

Major CLAUSEN. That he had cited the message in a written report that he rendered?

Captain SAFFORD. No, sir. He said to me, "I have just come from the front office, and I have seen your 'Winds' message. Now, don't make statements that you can't verify." This is of the time I came in to verify my testimony, so I withdrew from my testimony any statement to the effect relative then to other copies having been destroyed, because I didn't [174] know where I stood then.

Major CLAUSEN. Is it clear from the record what portion of the message containing fourteen parts was the fourteenth part?

General RUSSELL. I read the language, and he testified that that was the fourteenth part.

Captain SAFFORD. It was the last numbered paragraph plus the unnumbered paragraph where they got polite.

General RUSSELL. In order that we might be definite about it, I will show you the book to which we referred in connection with that message.

Captain SAFFORD. Yes, sir; and I have checked this same book against the original, so it begins at paragraph 7.

General FRANK. Paragraph 7 was the fourteenth part received?

Captain SAFFORD. Yes, sir.

General RUSSELL. Paragraph 7 in this book?

Captain SAFFORD. And was labeled "Part 14" in the heading.

General RUSSELL. Captain, you have had long association with this work that you have testified about this morning; is that correct?

Captain SAFFORD. Yes, sir.

General RUSSELL. About what time did you go into this work?

Captain SAFFORD. In 1924.

General RUSSELL. '24. You have had approximately twenty years thereafter?

[175] Captain SAFFORD. Except as broken by sea duty; I have had about fourteen years of it.

General RUSSELL. Yes. Now, some question has arisen—or probably that is not accurate; the Board is debating the effect on the war effort of a public disclosure of the contents of the "Winds" message. Assuming that the Japanese Empire knew that the American Government was in possession of those facts which are contained in that "Winds" message, would it indicate anything to them which might cause them to make changes which would make it more difficult for us to obtain Japanese information now?

Captain SAFFORD. No, sir, not the "Winds" message or this other so-called hidden-word or stop-code message. The setup for those two was sent in what they call a low-grade cipher held by all their Consuls. Everybody was solving that. The Dutch solved it, the British solved it in Singapore, and we solved it ourselves—both of them—and they

must know that we have been reading those messages, and I believe that that particular system is not in use any more, anyhow. It is not the high-class machine which is a literal gold mine at the present time. This other stuff it would be very bad to let public, but there were two things—

General RUSSELL. Identify "this other stuff" right now for us.

Captain SAFFORD. Well, I mean such as 25843 and 25850.

Colonel TOULMIN. What are they?

Captain SAFFORD. That is the declaration of war and "Submit our reply to the U. S. Government at one p. m. on the 7th, your time." Now, that is in their machine which they [176] think no one can read, and they are still talking their fool heads off in it, particularly from Germany.

But this other message, this 25856, if we will insert the proper translation instead of the erroneous one, which the Navy did, and the "Winds" message were in the clear, because those were on their J 19, which even the Dutch were reading.

General RUSSELL. That is the "Winds" message?

Captain SAFFORD. That is the "Winds" message and this other one.

General RUSSELL. Now, have you testified on the record, Captain, as to the messages which you received which you believe we should not permit the Japanese Empire to know that we know about?

Captain SAFFORD. The Japanese Empire should not be permitted to know about any messages thus far mentioned except the "Winds" message and No. 25856.

General FRANK. Which is?

Captain SAFFORD. Which is, according to the Army translation: Relations between Japan and England and Japan and America are serious, on the verge of crisis, or on the verge of war.

General RUSSELL. Well, of course, the fact that we know about their sending us their reply of December 7th—that is published in the book here.

Captain SAFFORD. That has been hinted at.

General RUSSELL. It is in this book.

Captain SAFFORD. Yes, unfortunately.

General RUSSELL. How about, Captain, this Nomura [177] statement when he transmitted to the Japanese Government Secretary Hull's message of November 26?

General FRANK. In which he spoke of his embarrassment.

Captain SAFFORD. Yes. That was in a separate message. That was in a high-class system.

General RUSSELL. That was in their high-class system?

Captain SAFFORD. High-class system. Nomura used that exclusively. The only times the low-grade system was used were to Conulates or minor Embassies that did not hold their high-grade system.

General RUSSELL. It seems now, Captain, that the probabilities are that this message of December 7th and which came here sometime in the early morning hours, that they were going to deliver the ultimatum at one o'clock, and told them to destroy the code machines, must be this message 25850, which is JD 7145.

Captain SAFFORD. 7145; yes, sir.

Colonel TOULMIN. May I ask the Captain a question?

General RUSSELL. Yes.

Colonel TOULMIN. Captain, I would like to ask you: What messages which were reported in the Roberts printed report were those that emanated from Japan in their highest type of code?

Captain SAFFORD. Every one that was mentioned in the Roberts report was sent in the Japanese highest-cipher system.

Colonel TOULMIN. Therefore, the fact that those messages were known through this publication of this Roberts report would indicate to the Japanese that somebody had been reading their code, would it not?

[178] Captain SAFFORD. Yes, sir, and so would—

Colonel TOULMIN. What was the answer?

Captain SAFFORD. Yes, sir. And I was going to add: and so would Ernest Lindley's book, "How War Came." That lets a lot more secrets out of the bag.

Colonel TOULMIN. When was that published?

Captain SAFFORD. I think that was 1943.

Colonel TOULMIN. If these two, the book and the report—

Captain SAFFORD. Maybe it was 1942. 1942 or '43.

Colonel TOULMIN. I am puzzled. If the report of the Roberts Commission that has been published and this book that has been published contain messages which are translations and therefore a breakdown of the highest code of the Japanese, isn't it a fact that the Japanese are fully advised that somebody has been reading their code, and that somebody being the United States?

Captain SAFFORD. That was my personal belief at the time it came up for decision. In fact, all four Navy members stated that they did not think that release of these messages to investigation would jeopardize the conduct of the war.

Colonel TOULMIN. What point is there now, therefore, in suppressing any of these messages if the fact of their translation is now known to the Japanese?

Captain SAFFORD. There is an implication in that that I would rather not go into.

Colonel TOULMIN. I am content.

General GRUNERT. Well, it appears to me that the Japanese are not so dumb as all that. If they think that we [179] have broken one or more of their high codes, then why do they continue to use those codes and allow us to do damage to them through knowledge gained by those codes? It doesn't make sense.

Colonel TOULMIN. That is what puzzles me.

General GRUNERT. Are there any other questions? No response.)

If not, Captain, do you think of anything else that you might open up on that would be of interest to the Board?

Captain SAFFORD. Yes, sir; I have two or three things I would like to mention.

In the first place, to go back to the "Winds" message, when that one came in and was sent up to Admiral Noyes, it is my opinion and my belief that Admiral Noyes phoned it around to all interested parties. He phoned personally. I have no proof of it, but I mean that was presumably the reason it was sent up to him and not being taken around in the ordinary method, so he could save time by phoning it.

General GRUNERT. Was that phoning secret?

Captain SAFFORD. Well, we had an interphone in the Navy Department. He could talk to anybody there without going through any switchboards, which is used for all secret messages.

General GRUNERT. All right; go ahead.

Captain SAFFORD. And let's see. I have some more points.

Another point of great interest: that afternoon of the 7th of December, after the attack, we translated this message, which is S. I. S. No. 25866 and in the lowest-grade system that they had. This came from Budapest, incidentally, and it said:

[180] On the 6th the American Minister presented to the Hungarian Government a British Government communique to the effect that a state of war would break out on the 7th.

General RUSSELL. What was that?

Captain SAFFORD. It is on the 6th. This is the Jap Minister in Budapest reporting back to Tokyo:

On the 6th the American Minister presented to the Hungarian Government a British Government communique to the effect that a state of war would break out on the 7th.

That is, it may have no relation, and it may have significance with stuff I don't know. I am just telling you for that.

The next thing is: in connection with S. I. S. 25843 and its real meaning and significance, we learned the following on December 15th, which is contained in S. I. S. No. 26308. That was the 15th of December, 1941. Tokyo was referring to Nomura's presentation of the Japanese declaration of war to the U. S. Government (which, incidentally, they called a "declaration of war") and the part I am quoting says:

We really supposed that the negotiations had been broken off first and the shooting had taken place after this. The President's speech was trying to hide the fact that the United States had been taken by surprise and failed in the first step.

That was being circulated to their embassies for propaganda purposes.

There is another message which wasn't translated until November 25, 1943, although it was dated December 9, 1941, [181] and that was an Army message distributed in "magic" summary No. 609, and bears a further short title of "SSA. No. D-3108." This is a discussion of events leading up to the war, in three parts, of the negotiations April to July. "B" is preliminary decision for war. They began preparations for all-out war in September 1941. And "C" the final decisions; and, referring to the American note of November 26, 1941, it is stated:

In short, the United States proposals agreed with everything that we regarded as inconsistent with the preservation of peace in the Pacific areas. They also would have made the Tripartite Pact a dead letter. This United States answer at one fell swoop showed us how utterly ridiculous and useless had been the conferences which had been held since April, and completely swept away all understandings reached. We saw now that future negotiations would be of no purpose or could only fit in with the delaying policy of the United States. Consequently the supreme war command immediately decided upon war. On 1 December the imperial decree was issued.

General RUSSELL. Where did that come from?

Captain SAFFORD. That was from the War Ministry, Tokyo.

General RUSSELL. "Magic"?

Captain SAFFORD. "Magic." That is an Army investigation. The Navy has not got this, at least as far as I know. They may have got it by now.

In the Roberts report there is reference on page 8, in the last paragraph, to three messages sent by the Navy [182] Department to the Commander-in-Chief of the Pacific Fleet in early December 1941. I was in on them all, and I would like to state what happened, as a matter of record, if you are interested.

On December 1, 1941, we received a message, S. I. S. No. 25606, stating:

The four offices in London, Hong Kong, Singapore, Manila have been instructed to abandon the use of the code machines and dispose of them. The machine in Batavia has been returned to Japan.

That, incidentally, was the high-grade machine which we have been discussing. It also gave some instructions on destroying surplus copies of other things which are not important. No action was taken on that.

On December 3rd, an S. I. S. No. 25640. We learned from the message sent the previous day that Washington had also been ordered to destroy everything they had except one copy of their high-grade machine; and on the 3rd we received a signal from Admiralty London that London had already complied.

I knew from conversations with Kramer, who was attached to the Far Eastern Section of Naval Intelligence under Commander McCulloch though actually working down in my office under me, that McCulloch was greatly worried by the lack of information that was being sent to the Commander-in-Chief of the Pacific Fleet; and on the 3rd somehow I learned or discovered that no warning of this had been sent, so I called McCulloch on the phone and I asked him if he had read the messages which we had been getting in the last three days, [183] and he said he had, and I said, "Do you appreciate their significance?"

And he said, "I do."

And then I said, "Are you people in Naval Intelligence doing anything to get a warning out to the Pacific Fleet?"

And McCulloch said, "*We*," emphasizing it, "are doing everything that *we*," again emphasized, "can to get the news out to the Fleet."

That was the end of the conversation, but as a result of that McCulloch finally succeeded in getting a message sent, which is referred to in the Roberts report as the war warning of December 3rd, and the message reads:—oh: message was released by the Director of Naval Intelligence, Admiral Wilkinson, and may be identified as OpNav No. 031850, addressed to the Commander-in-Chief Asiatic Fleet, Commander-in-Chief Pacific Fleet, Commandant 14th Naval District, Commandant 16th Naval District:

Highly reliable information has been received that categoric and urgent instructions were sent yesterday to the Japanese diplomatic and consular posts at Hong Kong, Singapore, Batavia, Manila, Washington, and London to destroy most of their codes and ciphers at once and to burn all other important confidential and secret documents.

Then it adds in the second sentence, which has been crossed through by pencil and I do not know whether it was sent in the coded outgoing copy or not:

From foregoing infer that Orange plans early action in Southeast Asia.

[184] Well, this destruction of codes immediately threw the "Winds" message into prominence. Before, we couldn't understand why they had this setup arranged. It seemed a foolish thing to do, excepting we never can understand the Japs, but they had this in mind, I think: Well, all right, one step short of war. They are destroying their codes to play safe, but they are still reserving the decision as to peace or war to come in the "Winds" message, which was the reason that, from the first on, we thought the "Winds" message was so highly important, and yet that information did not get out to either Commander-in-Chief Pacific Fleet or Commander-in-Chief Asiatic Fleet until 48 hours after we had the news, and then only because of some back seat driving on my part and turning the screws on McCullom to make one more desperate effort to get the information released.

As a result of the "Winds" message I wrote out four messages which were released that afternoon between 3 p. m. and 3:19 p. m. The first was released by Admiral Noyes and the other three by Admiral Ingersoll.

General RUSSELL. On what date?

Captain SAFFORD. On December 4, 1941. And these instructed the Naval Attaches at Tokyo and Peiping and also at Bangkok and Shanghai. It said—are you interested in that? I will give you the whole text then. That was from OpNav No. 042019:

Supplementing my 040330 action addresses also destroy all secret and confidential files except those essential for current purposes and all other papers [185] which in the hands of an enemy would be a disadvantage to the United States.

That was sent to information Commander-in-Chief Asiatic Fleet but was not sent to Commander-in-Chief Pacific Fleet.

042182—

General FRANK. On what date was it sent to the Asiatic Fleet?

Captain SAFFORD. On the 4th of December.

Another one the 4th of December from OpNav to Commander-in-Chief Asiatic Fleet, and the Serial No. 042018:

Communications room should now be stripped of all secret and confidential publications and papers which in the hands of an enemy would be a disadvantage to the United States, retaining for essential purposes the minimum number of cryptographic channels at your discretion. Report those retained.

General FRANK. Did those go to the Asiatic?

Captain SAFFORD. Those went.

General FRANK. Did information copies of that go to the Pacific Fleet?

Captain SAFFORD. No, that also did not go to the Pacific Fleet.

Then we sent this message from Naval Operations to Commander-in-Chief Pacific Fleet, Commander-in-Chief Asiatic Fleet, Commandant 16th Naval District, Commandant 14th Naval District, Naval Station Guam, and Naval Station Samoa. This is 4 December 1941:

[186] 042000 CSP 903, 905 and RIP 66 less changes 1 and 2 effective immediately with indicators GONID secret and JYREC confidential available all purposes communications with Guam and Samoa. Gnam and Samoa destroy RIP 65 plus changes to RIP 66 immediately. Other addresses may continue to use except with stations mentioned.

That, incidentally, was sent priority. It was sent to the complete distribution list for RIP 66 and RIP 65, which was a special cipher

which we were using between our intercept and direction finder stations in the Pacific Ocean area; and, knowing that the Japs were about to hit us and that Guam was only a hundred miles or so from Jap territory, and not to be defended except against sabotage, according to War Plans, we wanted to clean house early there. That was the message as written by me, and bears my initial.

General FRANK. And it was sent?

Captain SAFFORD. It was sent priority. This other message was sent following time 17 minutes later and was sent with deferred priority.

This next message which I will read was reference in the Roberts report:

From OpNav to Navsta Guam, December 4, 1941. Information Commander-in-Chief Asiatic Fleet, Commander-in-Chief Pacific Fleet, Commandant 14th District, and Commandant 16th District, and reference number 042017. Guam destroy all secret and confidential publications and other classified matter except that [187] essential for current purposes and special intelligence, retaining minimum cryptographic channels necessary for essential communications with Commander-in-Chief Asiatic, Commander-in-Chief Pacific, Commandant 14th, and Commandant 16th Naval District, and Naval Operations. Be prepared to destroy instantly in event of emergency all classified matter you retain. Report cryptic channels retained.

Now, that is referred to in the Roberts report as a war warning.

General FRANK. And that was sent to whom?

Captain SAFFORD. That was sent to Navy Station Guam for action, and for information of the Commanders-in-Chief Pacific Fleet, Asiatic Fleet, and the Commandants of the 14th and 16th Districts. That was sent deferred because it was sent in the new RIP 66 which had just been made effective by the previous message, and we had to send it slow so the other message would get there first and they could be able to read this message. We were putting a new cryptographic system into effect; and by Navy regulations or by communication instructions deferred messages are not expected to be delivered until the beginning of working hours the next morning. In other words, any message which comes in in deferred priority automatically is not going to be considered a war warning, regardless of how you stated it. The original—the message as transmitted was a rewrite by Admiral Noyes. My original message said: Guam destroy all cryptographic aids except this system and current edition of direction finder code, which was what would be necessary to [188] keep them going the next two or three days. My message might have contained a degree of warning which is lacking in this one, and the reason for sending it was this "Winds execute" message; and that is why I know that the "Winds execute" message was received on the 4th and not on the 3rd or the 5th, because when I finally was able to get my hands on copies of these messages it placed me with the date, because these messages were written up and released as a direct consequence of that "Winds" message.

The final message was on the 6th, if I can see that (examining papers). The night before, just about closing hours, one of the girls in the Registered Publication Section discovered that a force had been sent to reinforce Wake Island, and they just had a lot of registered publications with them; and I asked them to make a complete inventory, and they stayed up until about one o'clock, one officer or two

officers and two civilians, and the next morning they gave me an inventory of 150 different registered publications on that little island where, you see, they had almost nothing. And at that time war was right around the corner, and I wrote a message which said in substance, addressed to the Commander-in-Chief Pacific Fleet and information of the senior officer on Wake:

In view of imminence of war destroy all registered publications on Wake Island except this system and current editions of aircraft code and direction finder code.

General FRANK. And that was sent on what date?

Captain SAFFORD. That message was not sent, sir. That [189] message was rewritten; and when I took that up to the Director of Naval Communications for his release, or at least approval, he said, "What do you mean by using such language as that?"

And I said, "Admiral, the war is just a matter of days, if not of hours."

He says, "You may think there is going to be a war, but I think they are bluffing."

I said, "Well, Admiral, if all these publications on Wake are captured we will never be able to explain it."

And thereupon he rewrote the message and left out any reference to Wake Island or the 150 publications exposed to capture, which included all our reserve publications for the next six months, and this is what actually was sent out:

OpNav to Commander-in-Chief Pacific Fleet, information Commander-in-Chief Asiatic Fleet, 061743.

It is released by Admiral Ingersoll and dated December 6, 1941, and when this was sent up for release the inventory of publications on Wake went with it.

In view of the international situation and the exposed position of the outlying Pacific islands you may authorize the destruction by them of secret and confidential documents now or under later conditions of greater urgency. Means of communication to support our current operations and special intelligence should, of course, be maintained until the last moment.

And that was sent deferred precedence, which meant delivery [190] by nine o'clock on Monday morning, December 8, 1941.

General FRANK. Now wait a minute. That is across the international date line, isn't it?

Captain SAFFORD. Well, it would be—No, sir; Wake is this side of the international date line, I am quite certain.

General FRANK. All right.

General RUSSELL. I don't know.

Captain SAFFORD. But we know this was addressed to the Commander-in-Chief Pacific Fleet. He still had to relay the news out to Wake. I don't know what time it got there, but no action was taken on it until long after the attack on Pearl Harbor; and then, because we had sent an ambiguous message, the fleet communication officer sent another ambiguous message. The net result was that when Wake was captured, I believe the 24th of December, some of the cryptographic aids fell into Japanese hands, and it was reported at the time by Commandant 14th Naval District, and later on some of the alphabet strips were captured at Kiska in some of the abandoned Japanese dugouts.

Now, that message was referred to as a war warning in the Roberts report, and also they changed it around and took the liberty of inserting, I think the word was "acute." Let me check that. No. "Tense."

In view of the tense situation.

I have read you the exact wording of the message that went out.

General RUSSELL. Will you refer to the Roberts report? I find that reference to "tense situation," Captain. I don't find handily the reference to the December 6 message being a [191] war warning. It may be there.

Captain SAFFORD. Well, it said at the top of the page:

The foregoing messages did not create in the minds of the responsible officers in the Hawaiian area apprehension as to probable imminence of air raids.

General RUSSELL. Very well. I see what you are talking about.

Captain SAFFORD. Yes.

General GRUNERT. That appears to cover about all that we are after. We thank you very much for giving us this entire morning.

Captain SAFFORD. Just may I add one thing to the statement?

General GRUNERT. Yes.

Captain SAFFORD. If you have not called Colonel Sadtler as a witness, I think he should appear before the Board, because he knows a great deal, which I prefer not to put in his mouth, as to the inside happenings.

General GRUNERT. Colonel S-a-d-t-l-e-r?

Captain SAFFORD. Otis K. Sadtler. He probably will not thank me for mentioning his name, but—

General RUSSELL. He is down at the Army Ground Forces now, isn't he?

Captain SAFFORD. I think he is at Army War College. He was on duty in the Signal Corps Headquarters at the time of Pearl Harbor, and he does know a great deal of what went on.

(Thereupon at 12:30 p. m., the Board, having concluded the hearing of the testimony of the witness, proceeded to other business.)

[192]

AFTERNOON SESSION

PENTAGON BUILDING, *Washington, D. C.*

(The Board, at 2 o'clock p. m., continued the hearing of witnesses, as follows:)

TESTIMONY OF GENERAL GEORGE C. MARSHALL, CHIEF OF STAFF, WAR DEPARTMENT, WASHINGTON, D. C.—Resumed

Colonel WEST. General Marshall, the witness is here on rehearing. It will not be necessary to swear him again, but the witness is reminded that he is still under oath.

General GRUNERT. General, probably the best way to continue this would be, if you so desire, to take that list of questions we sent over, and answer them one after the other, or any way you want.

General MARSHALL. That is agreeable to me.

General GRUNERT. I think that would be probably the quickest way to wind this thing up.

General MARSHALL. The first question given me is this:

Will you state the reasons, if any, which prompted you to select General Short to command the Hawaiian Department?

My answer is: From the evidence we possessed, General Short had demonstrated his fitness for command. He had served overseas in the First World War, he had served in the Philippines, in Alaska, in Puerto Rico, and had been an instructor at the Infantry School and the Command and General Staff School. During the five years which preceded his [193] assignment to the Hawaiian Department, he had commanded successively infantry brigades at Fort Ontario, New York, and Fort Wadsworth, New York, the First Division at Fort Hamilton, New York, the First Army Corps at Columbia, South Carolina, and the larger force in the first of the extensive Army maneuvers of the 1940-43 period. The officers under whom he had served since 1937 had recommended him for a division command in time of war; 1940, General Drum recommended him to command a division or a corps.

That is his efficiency report. In other words, that statement of General Drum is from the efficiency report.

The next question was:

Are you sufficiently acquainted with the services rendered by him in the capacity of the Commanding General of the Hawaiian Department from the date of his assignment until the 6th day of December 1941 so as to express an opinion as to the character of such services?

I had reason to believe that he was performing his duties in an energetic and efficient manner. This view was based upon the letters and reports which I received, many of which have been recorded by the Board.

Another question:

If you have the bases for rating those services, will you please state to the Board whether or not you regarded them entirely satisfactory?

I regarded his services as entirely satisfactory.

[194] Another question:

On the 20th day of October 1941, the War Department sent to General Short the following radiogram:

"Following War Department estimate of Japanese situation for your information. Tension between the United States and Japan remains strained but no, repeat no, abrupt change in foreign policy seems imminent."

Do you know of any other information sent to General Short by the War Department from the date of this radiogram until the 27th day of November 1941, at which time Message No. 472 was dispatched to him? If you know of any other information on the Japanese situation sent to General Short during that period of time, won't you please give the Army Pearl Harbor Board the benefit of it?"

My answer: The Navy message of November 24th to Admiral Kimmel, one of the addressees, stated that I had seen it and concurred in it, and asked that General Short be informed. This message warned of the possibility of a surprise aggressive movement by the Japanese.

On the 27th of November War Department G-2 sent to Hawaii some additional data from its continuing political, economic, and combat digest of Japan. Nothing in the nature of a warning was sent by G-2 during this period except for their message of November 27.

[195] Another question:

Do you believe that you were kept fully informed by the State Department on the development of the relations between the Japanese Empire and the American Government?

I do.

Another question:

When were you informed of the delivery by the Secretary of State to the Japanese Ambassadors of the memorandum of the 26th of November 1941, which memorandum was described as an outline of proposed basis for agreement between the United States and Japan?

My answer: I do not recall.

Another question:

When did you first know that the Secretary of War was told by the Secretary of State on the morning of 27 November 1941 that he had broken the whole matter off, as he put it, "I have washed my hands of it and it is now in the hands of you and Knox, the Army and Navy"?

I do not recall.

Question:

It is in the record that you left Washington for the Carolina Maneuvers on the 26th day of November 1941. Did you prepare or direct the preparation of a message to be sent to overseas commanders prior to your departure for the Carolina Maneuvers?

Answer: My recollection is that on the morning of the [196] 26th of November, before leaving Washington, Admiral Stark and I agreed, at a joint board meeting, on the necessity for dispatching a further warning to Commanders on the Japanese front, particularly to the Philippines, and that we there discussed the draft of such a message. In my previous testimony I stated that I had a rather distinct recollection of considering two of the statements in the warning or alert message of November 27. More recently I found a memorandum from General Gerow dated the 27th of November, 1941, which indicates that the sending of such a message had been discussed at a joint board meeting the morning of November 26th. This quite evidently was the basis for my recollection of having some knowledge of the November 27th message prior to its dispatch.

Another question:

Do you recall when you first saw the message to General Short of November 27, 1941, No. 472?

Answer: I do not recall when I first saw the message, but it almost certainly was shown to me on the 28th, on my return from the Carolinas. The files show that a copy of the message to the Philippines was sent to my office by General Gerow on the 27th and received there on the 28th. They also contain another copy of the same message, with an attached note reading: "Show to the C S"—that is the Chief of Staff—"when he returns. S. W"—that is the Secretary of War—"approved sending this." Near it in the files is a copy of the message sent to Hawaii, initialed by me, but bearing no stamp or other mark to indicate when I saw it. The presumption [197] is that I saw it on the 28th.

Question:

Do you recall under what circumstances and by whom this message was shown to you?

I think my previous answer gives whatever I have on that subject. Another question :

Do you regard that message as containing all of the information with respect to the Japanese and instructions necessary to be sent to General Short for the accomplishment of his mission in the Hawaiian Department at that time?

The answer is : I do.

In further reference to that question, I have here the headings for the secret, ultrasecret information for the Far East, for Europe, and for the diplomatic summary. They all have this general heading, "Top Secret," which means the extreme of secrecy observed by the War and Navy Departments, and so understood by the British.

They have, under the heading, "Note:" four paragraphs alternating red and black. The first one reads:

No one, without express permission from the proper authorities, may disseminate the information reported in this Summary or communicate it to any other person.

Now, in black is another paragraph:

Those authorized to disseminate such information must employ only the most secure means, must take every [198] precaution to avoid compromising the source, and must limit dissemination to the minimum number of secure and responsible persons who need the information in order to discharge their duties.

The next is in red :

No action is to be taken on information herein reported, regardless of temporary advantage, if such action might have the effect of revealing the existence of the source to the enemy.

I might state, in connection with that paragraph, that there have been cases where convoys have been permitted to go into the most serious situations rather than diverting them from the assemblage of the so-called wolf packs because of the fear that that would convey to the Germans that we had some means of knowing just how this was managed. Here at the present time, the German submarine activity in the Atlantic being on the decided decrease, we have a series of sinkings going on in the Philippines and elsewhere in that general region which are timed entirely on this particular information. The hazard is to what extent we can continue uninterruptedly proceeding on that basis without conveying to the Japanese the fact that we have some means of reading the schedule for the convoy. We are continuing to use it for the reason that from this secret information, secret source of information, we learn of the Japanese thought as to how we are obtaining knowledge of these convoy movements. They think it is done by spies and by observation posts in the Philippines and along those other coasts, of which we had a great deal in the Solomons, and Australian lookout posts, and in New Britain, [199] New Ireland, and New Guinea. So long as they show they think that it is some such methods as that, we feel free to go ahead; but if there is any danger of our giving away our sources, then we would have to hold off somewhat on seizing each opportunity, for fear we would lose tremendous long-term advantages. That is what is meant in these instructions when it says, "No action is to be taken on information herein reported, regardless of temporary advantage."

General GRUNERT. Those instructions come from where?

General MARSHALL. That is in agreed instructions between ourselves in the War Department and the Navy Department and the British. It was necessary for us to show them, in the most positive manner, how we would guard their information, which they were very reluctant to give to us. They would give us the results, just as we gave it to General Short and Admiral Kimmel, without giving us their source on which these statements were based; and we were, oh, I guess a year and a half or two years breaking down their reluctance to tell us that.

I might say, we have had a continuing very delicate situation with the Russians where we have told them that we had good reason—not good reason—we had the best evidence that certain actions were going to be taken by the Germans against them, but we couldn't tell them why, and there was quite a long debate as to whether we should not go into the whole thing, but that was felt most dangerous from two points of view. One was, we were spreading the thing out, and we didn't know who all would become involved in it; and, more particularly, they would probably get infuriated because they [200] hadn't had it from the start. So it has been a matter all the time of guarding this thing so that we have it tomorrow and do not expend it today and lose tomorrow.

The fourth paragraph, which is in black, says:

The enemy knows that we attempt to exploit these sources. He does not know, and must not be permitted to learn, either the degree of our success or the particular sources with which we have been successful.

If you would care to have one of these, here it is.

I might further add to that that we have a cover like this (indicating); it looks different from anything else; of which a copy will be given you.

General RUSSELL. All three of those were alike, weren't they?

General MARSHALL. They were all different; the headings were different. There are three different headings there. One is "Europe," one is "Diplomatic," and one is "Far East."

Question:

Upon your appearance before the Army Pearl Harbor Board, Monday, 7 August 1944, you testified about the Report of General Short in response to the direction in the message of 27 November to report measures taken. In this testimony you were not certain as to whether or not you saw General Short's Report. Your language is "I have no recollection at all. The presumption would be that I had seen it."

Have you in any way refreshed your memory on this subject so as to change the answer just quoted?

[201] I have not.

Another question:

The message from General Short making such report indicates that it was stamped in the Office of the Chief of Staff with the following entry: "Noted—Chief of Staff." It does not contain your signature. Will you please state to the Board who was authorized to place this stamp upon the message?

Answer: The Secretary of the General Staff and his commissioned assistants. The replies from General MacArthur and General Short in the files appear stapled together, the one from General Short underneath. My initials appear on the MacArthur message but not on the Short message. Whether or not I saw the Short message I could not say.

Question :

Would the placing of this stamp upon the message indicate to others in the War Department that you had seen the message and noted its contents?

It would.

Did you know that General Short had ordered his Command into an alert for sabotage only, and that this condition of readiness obtained during the entire period 27 November-6 December inclusive?

No.

Question :

Is it now apparent that the message of 27 November 1941 from the Chief of Staff to the Commanding General of the Hawaiian Department (No. 472), was [202] misunderstood or misconstrued by the Commanding General of the Hawaiian Department and did not accomplish the desired and intended results?

I know that it did not accomplish the desired results.

Question :

Is it now apparent that the Report of General Short to the War Department, in compliance with the instructions in the above message to report measures taken, was misunderstood or misconstrued by the War Department and did not accomplish the desired and intended results?

Answer : The message was quite evidently misunderstood. The term "liaison with Navy" evidently meant one thing to General Short and another to the War Department.

Another question :

Were any steps taken by the War Department between 27 November and 7 December 1941 to determine the state of readiness of the Command of the Hawaiian Department?

No.

In your previous testimony before the Army Pearl Harbor Board you read into the record a joint statement signed by you and Admiral Stark which was dated 27 November 1941. It is on the subject of the Far Eastern situation and is addressed to the President. The following questions relating to that joint agreement are submitted :

a. Do you know the date when this joint statement was delivered to the President?

[203] I do not, though the fact of a joint board meeting on the morning of November 26, 1941, and my departure from Washington that afternoon, would suggest that the statement was signed on the 26th, or on my return on the 28th, more probably the latter.

Question :

Did you know at the time of its delivery to the President that the Secretary of State's memorandum of 26 November had been sent to the Japanese Ambassadors?

I must have known, I think, on the 26th of November that the negotiations were nearing an impasse, because Admiral Stark and I evidently directed the preparation of a draft of the 27th of November warning on that day, the 26th.

I will repeat that : I must have known on the 26th of November that the negotiations were nearing an impasse, because Admiral Stark and I evidently directed the preparation of a draft of the 27th of November warning on that day, the 26th.

The following is quoted from that statement :

"After consultation with each other, United States, British, and Dutch military authorities in the Far East agreed that joint military counter action against

Japan should be undertaken only in case Japan attacks or directly threatens the territory or mandated territory of the United States, the British Commonwealth, or the Netherlands East Indies, or should the Japanese move forces into Thailand west of 100° East or south of 10° North, Portuguese Timor, New [204] Caledonia, or the Loyalty Islands."

Question :

Who constituted the military authorities representing the United States in entering into this agreement?

The agreement was reached in the so-called American-British-Dutch staff conversations held at Singapore in April of 1941. United States Army officers participated on my instructions and with the approval of the Secretary of War. U. S. participants were :

Captain Purnell, U. S. Navy; Chief of Staff of the U. S. Asiatic Fleet.

Colonel A. C. McBride, United States Army; Assistant Chief of Staff of the military forces in the Philippines.

Captain A. M. R. Allen, U. S. Navy; the U. S. naval observer in Singapore.

Lieutenant Colonel F. G. Brink, U. S. Army; U. S. military observer at Singapore.

Question :

What was the extent of his authority to bind the United States to take counter action against Japan in event the contingencies described in the above quotation or any one of them should come to pass?

The United States participants, of course, had no authority to bind their Government to any particular course of action.

The following recommendations were made by you and Admiral Stark in this joint agreement :

[205] "It is recommended that :

"prior to the completion of the Philippine reinforcements, military counter action be considered only if Japan attacks or directly threatens United States, British, or Dutch territory as above outlined ;

"in case of a Japanese advance into Thailand, Japan be warned by the United States, the British, and the Dutch Governments that advance beyond the lines indicated may lead to war ; prior to such warning no joint military opposition be taken.

"steps be taken at once to consummate agreements with the British and Dutch for the issuance of such warning."

Question :

Was the sending of the memorandum of 26 November by the Secretary of State to the Japanese Ambassadors, which memorandum was described above, in conflict with these recommendations?

The answer is: Not necessarily. The State Department did not threaten the Japanese, but merely restated the position from which we could not recede, and offered a counter proposal.

Question :

Were there any restrictions imposed upon the War Department relating to its activities in the Pacific by either the President or the State Department? Specifically, were the injunctions to commanders in the Pacific area to avoid commission of the first overt [206] act, alarming the population of Hawaii, disclosing intent, etc., the result of instructions from such sources?

The Chief of Naval Operations, Admiral Stark, and I advised the President on the 5th of November and again on the 27th of November that in our judgement war with Japan should be avoided while we were building up our defensive forces in the Far East. It was essential

that we gain all the time that we could. While the instructions to avoid commission of the first overt act and alarming the population were in accordance with the policy of the Government, it is also true that this policy was in harmony with the recommendations Admiral Stark and I made to the President.

Upon whose decision was General Short relieved of Command of the Hawaiian Department?

Mine, in conjunction with the desire of the Secretary of War.

Would you furnish the Army Pearl Harbor Board a copy of the order for his relief?

Copy of the order is furnished herewith.

General RUSSELL. Do you know of any evidence to indicate that the Japanese have up until this time broken our code to the point that they are obtaining the same information relatively that we are, by observing—

General MARSHALL. What was the first of your questions?

General RUSSELL. Do you know of any evidence to this time to substantiate the fact that the Japanese may have broken our codes and may be obtaining information from us?

General MARSHALL. We have no evidence of that nature that [207] I can recall.

General RUSSELL. There has been some evidence—this is covering a detail which is apparently new—to the effect that when Nomura sent the memorandum of the 26th to Japan, that along with it he sent some statement to the effect that he had failed the Emperor, or words to that effect. Do you know anything about that message?

General MARSHALL. I don't know whether I have a faint recollection or not. I've got something wandering in my mind, but that ought to be obtainable right here in the records.

General GRUNERT. Are there any other questions regarding the questions that have been asked by the Board and answered? There appear to be none.

General, have you anything else that you would like to give to the Board that may be of assistance to the Board in coming to conclusions under its mission? For instance, you just started to mention something when we asked the last few questions.

General MARSHALL. I do not know of anything else I might give the Board to help them in arriving at a conclusion, other than to comment on the fact that at the time all this happened we were always confronted with the Japanese method of infiltration, taking advantage of our apparent reluctance to become involved in war and the British inability to give any strength to their garrisons in the Far East. We always had to guess or estimate as to what the procedure would be, whether they would proceed to an open rupture or whether they would pile up advantages to such a point that all the cards would be in their hands when the actual rupture occurred. We on our [208] side were confronted with the problem of preparing ourselves, particularly in the Philippines, Panama, and Alaska, as rapidly as possible before any break might occur. So our state of mind was measured between those general considerations throughout all of this procedure.

Further, our facilities, of course, at that time were not vaguely to be compared to our facilities and organization today, in the matter

of this secret material. We can get a mass of that culled through in a few hours by these thousands of people we have employed: some 10,000 by us and 6,000 by the Navy and 30-odd thousand by the British. No such forces as that were available in those days, and no machinery of the nature they have now.

In some respects the remarkable part about this procedure was that the critical messages were absorbed so quickly. That is the most astonishing part of it. Also, the tragic part that a message which became available—that is, monitored, transmitted, deciphered, and translated, pertaining directly to Hawaii and the Harbor—was not available, didn't come in to us until the following day.

The picture, the procedure, and of course the state of mind all have changed greatly through the period of the war. Once war is declared, you know your enemy is your enemy. The cards, as it were, are on the table and you can proceed at top speed with regard to all matters. Any problems at this time were those of uncertainty, a repetition of such incidents in the past, from the past, and our fears of what might be done in the way of a general planned arrangement or agreement between the Germans and the Japanese which would cover the [209] United States as well as our foreign garrisons.

For example, we expected, and so far as we could we were fully prepared for, a general sabotage program throughout the United States. To be of any real effect it had to happen practically all at one time, because we would suppress it, of course, wherever it arose. But we rather anticipated that would be done, and when virtually no act of any kind anywhere occurred we concluded this was held in abeyance for some more critical moment, and to that extent we became even more suspicious as to just when this, what we regarded as almost certain effort, would be made.

I do not think that helps very much toward your conclusions, but it is merely an effort of mine to reconstruct the state of mind of all of us at the period regarding which your Board is investigating.

General GRUNERT. Has the Board any subjects which they would like to bring up wherein the Chief of Staff could assist us?

General RUSSELL. It is suggested by the other members of the Board. General Marshall: there are two or three things that I shall ask about.

The Board is in possession of information recently relating to certain messages that apparently were picked up through this source that you have discussed with us rather fully, one particular message on or about December 4th which has been described as the "Winds" message. What information did you have at that time, if you can recall, about this particular message?

General MARSHALL. Well, as nearly as I can reconstruct [210] what I think my recollection is, in opposition to what I have refreshed my mind with from records since, I would say that my recollection at this time was merely that there was a "Winds" message which indicated that certain things were to be done when it was received, and there were certain phases of it that related to different nations.

General RUSSELL. Well, may I interject: On your last appearance before the Board, on Friday last, wasn't there read into the record at that time a memorandum which set forth the details about that "Winds" message?

General MARSHALL. That is correct. And I thought you were asking me about by memory?

General RUSSELL. No.

General MARSHALL. That isn't so much memory. I had gotten ahold of the records from which I was reading.

General RUSSELL. I recall that now.

Well, our second question is along the same line, and we shall just explore those phases briefly.

It has come to the attention of the Board that on Saturday night, December 6, probably as early as 9 p. m., thirteen of the fourteen sections of the Japanese reply to our memorandum of November 26 were in the possession of the Naval Department and translated and ready for delivery; that the probabilities are that that message was in the hands of some agency of the War Department on that evening of December 6. Do you recall being shown that message prior to your arrival in your office at approximately 11:30 a. m. on the morning of the 7th?

General MARSHALL. No, I don't recall that. And, [211] incidentally, I am quite certain I arrived at the office before 11:30 on that morning. My recollection is merely what I was told that morning about the deciphering and translating and preparation of this message. It was not—I don't believe it was—until I was before the Navy Court here recently that I knew this had come in, had been made available to the Secretary of State, the larger portion of that message, the night before. I may have known it at the time of the Roberts Commission, but I have no recollection of knowing that early.

General RUSSELL. The evidence which is before the Board at this time is to the effect that as early as 8:30, possibly not later than 9 a. m., on the morning of December 7th, the message which indicated that the ultimatum would be delivered by the Japanese Ambassadors at one o'clock on that day, and that the code machines were being destroyed, was in the hands of a Colonel——

General MARSHALL. Bratton?

General RUSSELL. Bratton of G-2, the General Staff, and that his energies from that time until your arrival in the office and General Miles' arrival in the office were devoted exclusively to locating you and General Miles.

Now the question: Was there anyone of the General Staff other than yourself with authority to have dispatched to the overseas departmental commanders a message which would have told them of these recent developments, and including the reply of the Japanese to our message of November 26, and particularly as to the substance of this message of December 7th relative to the delivery of the ultimatum and the destruction of the code machines?

[212] General MARSHALL. That would depend, I think, entirely on the officer concerned. There is no specific regulation about who, of those in charge of principal affairs, can do what in time of great emergency. It depends on the judgment of the individual. If the Deputy Chief of Staff were here, if the head of the War Plans Division were here, if possibly the Assistant Chief of Staff G-2 were aware of this and of the possibilities of delay, they might have acted. It is very hard to answer, because you are inevitably involved in hindsight regarding a great catastrophe, and I can only answer it in that way.

I remember very distinctly the message from Colonel Bratton because it came to me as I was coming out of a shower, as my habit was to ride at 8:30 on Sunday morning, and it takes me about fifty min-

utes to go around the only available loop to ride in. It takes me about eight or ten minutes to get a shower and dress. And when the message came from Colonel Bratton he wanted to come out there, and I said, "No. I am on my way down to the War Department." And it couldn't have been more than five or ten minutes at the outside before I had left to come down here. I have a very clear recollection of that because naturally I thought about it at the time.

General GRUNERT. From one source of evidence it appears that in the Navy there were definite instructions that such things had to come to the Chief of Naval Operations and could not be transmitted to the Commander-in-Chief of the Fleet without his O. K. We wanted to find out whether or not any such instructions were issued to the Army.

[213] General MARSHALL. We had no rules of that kind here at all, and we have no rules yet. These matters of the higher officials of the War Department are based on good common sense, for which the man is selected. If some particularly critical thing comes up—it is generally a local affairs of great political import—we will sometimes say that will not be touched.

General GRUNERT. Well, isn't this also of great political import? Was it not?

General MARSHALL. No, not—well, not political on the outside.

General GRUNERT. International, in foreign countries?

General MARSHALL. The political import I am talking about pertains purely to the home front.

General GRUNERT. Yes, sir.

General MARSHALL. And not to international affairs; talking about local reactions to specific things, and there is no immediacy involved in that.

General FRANK. Here was a message, however, where the time of its delivery by two hours would have made an awful lot of difference.

General MARSHALL. Oh, yes.

General FRANK. And they waited for the one top man to get it.

General MARSHALL. Yes.

General FRANK. And the Board wondered if there were any restrictions imposed on topside organization.

General MARSHALL. None that I know of. We haven't any such restrictions now. As a matter of fact, you will see on [214] the War Department side that two messages were sent about sabotage without my knowledge at all.

General FRANK. And by the same token by which good common sense ought to have handled it, it would seem that good common sense ought to have told somebody to have gotten that thing out.

General GRUNERT. Colonel Bratton didn't have any such authority, did he?

General MARSHALL. No, I would say that he did not.

General GRUNERT. And General Miles did not get to your conference until after you had been in the office for some time; is that right?

General MARSHALL. I don't recall that. I would say again that I do not think that Colonel Bratton could have acted on that evidence. I will say now, he certainly would not have been reprimanded for doing it, but I think that it would be expecting a good bit of him, a man who was not on the operative end at all but was merely on the transmittal end, to have taken such action.

General FRANK. There was a Major Doud from the War Department who got this 13-part message at 9 p. m. on the night of December 6, and copies of that message that night were delivered to the Secretary of State and the President.

General MARSHALL. Yes. Was not that a part of the translation into English? Because I have a very distinct recollection of their explaining to me at the time on this particular morning that they had spent quite a bit of time during the night doing translating here in the War Department of a naval deciphered message.

[215] General FRANK. But the Navy had delivered it in English at 9 p. m. the night before, and any translation that ensued was——

General MARSHALL. Had occurred before that time.

General FRANK. Consisted of the Army checking on the naval translation. Therefore, it was available and delivered to the President and the Secretary of State in the manner in which the Navy had translated it. So it would seem that somebody over in the War Department was a little skeptical about the Navy translation. Yet it was a pretty hot message and might have been used the night before.

General MARSHALL. What is your question?

General FRANK. I just wondered what, if any, check had been made on the reason for not delivering that the night before. Why was it held up from the War Department when it was delivered to the Secretary of State and the President?

General MARSHALL. I think I said, a little bit before, that I was not aware of the fact that this message had been available the night before, until, I think, the time of the Roberts Commission, and maybe not until more recently. So far as I personally was concerned, from the instant this thing happened my attention was entirely focused on recovering the situation rather than investigating and setting up things in the past, insofar as related to a defect of War Department system.

General RUSSELL. What investigations have been conducted in the General Staff—and this question is suggested by your last remark—looking to errors of omission of weaknesses in the system here in the War Department since Pearl Harbor?

[216] General MARSHALL. There have been investigations from time to time, particularly by the Secretary of the General Staff, as to procedure. He is involved in that constantly in the various sections of the General Staff of the War Department and sometimes things outside of that. There was one board consisting of about ten members, and then a steering committee consisting of Mr. McCloy, the Assistant Secretary of War, General McNarney's principal man, that is, General McNarney's executive officer, and one or two others. Hence there was a searching examination, covering several months, on organization and procedure, matters of that sort.

I have sent memorandums from time to time to the Assistant Chief of Staff G-2, particularly General Strong, in regard to improving their set-up, the rapidity of action; not directed solely to this, but to the general operations of the G-2 section; and finally it culminated in this very heavy Board that spent several months going through it. But it has been, like all the other branches of the War Department General Staff, under a pretty continuous investigation and changes all the time. But handling of this secret information, as I explained here a little while ago, has been an evolution where we struggled for the most

effective way of presenting it for the rapid understanding of the individuals, to what extent it should be screened so that there was a possibility of really getting at the facts and not being so overburdened that you did nothing but read things and didn't operate, and also doing it in a way that protected the source. From time to time officers, of course, have been relieved from the General Staff where we thought they were not quick enough on [217] their feet and didn't display the requisite judgment in what they did.

General RUSSELL. We had in mind particularly, I assume—so far as my question went, I did have in mind—any investigation which might have been provoked by the Pearl Harbor incident. And I will say in that connection there is some evidence before the Board, which has not been evaluated to this time, that G-2 made some investigation over there, but we do not have a copy. We are going to make an effort to get it. I didn't know whether there was any other or not.

General MARSHALL. You dropped your voice at the end of the sentence. I didn't get it. You did not know—

General RUSSELL. I say, we have not seen the investigation by G-2, nor do we know whether any other investigation similar in nature to the one that we have heard about in G-2 has been made.

General MARSHALL. What was the one you have heard about?

General RUSSELL. It was our information that shortly after December 7, 1941, G-2 did record a lot of things that had happened; and sometime later—and my impression now is, in the comparatively recent past—a rather thorough investigation of the situation was made over there.

General MARSHALL. I don't remember.

General GRUNERT. It appears to have been engendered by questions asked by the Board of G-2 witnesses.

General MARSHALL. Well, you mean very recently?

General GRUNERT. Yes.

General MARSHALL. Oh, yes. I thought you were talking about in the past here.

[218] General GRUNERT. And during what we know of that investigation it appears that as a result of that investigation they have found a lot of things that they did not transmit to the Board and that are just coming to the knowledge of the Board here in the last week.

General MARSHALL. Yes.

General GRUNERT. Not intentionally withheld, I suppose, unless they thought that the Board should not have these top secret matters.

General MARSHALL. The present Chief of Staff G-2 (of course, who was not here at the time, or was here I think in the War Plans Division; I don't remember; he wasn't connected with G-2) investigated, I believe, to determine what was the procedure at the time, because he couldn't answer any direct questions; and we brought Bratton back from overseas because he was present in the section at the time and, of course, General Miles was available up in Boston. That, I presume, is what you refer to.

General GRUNERT. Well, in a way, but we gave each one of the G-2 witnesses an opportunity to tell the Board anything in their mind, of their knowledge, that may assist us in coming to conclusions. We have given every witness that opportunity. Now, evidently they

either forgot or didn't recall, or else at least they didn't tell us this information which we have gotten of late.

General MARSHALL. These were men that were in the G-2 at the time?

General GRUNERT. One is General Miles, included.

[219] General MARSHALL. And who?

General GRUNERT. General Miles was one of them.

General MARSHALL. Oh, yes. Well, I don't know. I have never seen Miles or talked to him.

General GRUNERT. In the Navy and the Naval witnesses we also developed the fact that at one time there was an inclination on the part of one Acting Secretary of the Navy to deny such information to the Court of Inquiry, but later on that was overruled by the Secretary of the Navy when he came back, and they therefore loosened up on that information. Of course, naturally, the Board thought that, well, if they held out from the Board information which is now coming up, what do we know but what something else is being held out?

General FRANK. And information that is rather vital, too.

General MARSHALL. Well, I don't know.

General GRUNERT. I cannot imagine that it is intentional.

General MARSHALL. The only thing that I can think of in connection with that is that everybody that is concerned with this top secret thing is very cagey about saying anything about it.

General GRUNERT. That is what I attribute it to.

General MARSHALL. And naturally he feels no freedom whatever to speak about it unless he is specifically authorized.

I have nothing else I can think of.

General GRUNERT. The memorandum of September 30, 1944, submitted to General Marshall, is as follows:

[220]

WASHINGTON 25, D. C.,
30 September 1944.

Memorandum for : General George C. Marshall, Chief of Staff.

Subject : Army Pearl Harbor Board.

1. Enclosed herewith is the list of questions which the Army Pearl Harbor Board requests be answered by you either by a signed statement (to be returned to the Board by Monday 2 October 1944) or at a rehearing (now scheduled for 1400 Monday 2 October 1944).

2. The Board has decided to record your hearing of 29 September 1944, together with any future testimony or evidence bearing on top secret matters, in a separate record as a supplement to the main record. Further, any report made by the Board with reference thereto will be separated from the main report.

3. It is requested that the Board be informed by 1200 hours Monday, 2 October 1944, whether you desire to submit a signed statement or be reheard as scheduled.

For the Board :

GEORGE GRUNERT,
Lieut. General, U. S. A.,
President.

1 Incl.

[221] Will you state the reasons, if any, which prompted you to select General Short to command the Hawaiian Department?

2. Are you sufficiently acquainted with the services rendered by him in the capacity of the Commanding General of the Hawaiian Department from the date of his assignment until the 6th day of December 1941 so as to express an opinion as to the character of such services?

3. If you have the bases for rating those services, will you please state to the Board whether or not you regarded them entirely satisfactory?

4. On the 20th day of October 1941, the War Department sent to General Short the following radiogram:

"Following War Department estimate of Japanese situation for your information. Tension between the United States and Japan remains strained but no, repeat no, abrupt change in foreign policy seems imminent."

Do you know of any other information sent to General Short by the War Department from the date of this radiogram until the 27th day of November 1941, at which time Message No. 472 was dispatched to him? If you know of any other information on the Japanese situation sent to General Short during that period of time, won't you please give the Army Pearl Harbor Board the benefit of it?

[222] 5. Do you believe that you were kept fully informed by the State Department on the development of the relations between the Japanese Empire and the American Government?

6. When were you informed of the delivery by the Secretary of State to the Japanese Ambassadors of the memorandum of the 26th of November 1941, which memorandum was described as an outline of proposed basis for agreement between the United States and Japan?

7. When did you first know that the Secretary of War was told by the Secretary of State on the morning of 27 November 1941 that he had broken the whole matter off, as he put it, "I have washed my hands of it and it is now in the hands of you and Knox, the Army and Navy"?

8. It is in the Record that you left Washington for the Carolina Maneuvers on the 26th day of November 1941. Did you prepare or direct the preparation of a message to be sent to overseas commanders prior to your departure for the Carolina Maneuvers?

9. Do you recall when you first saw the message to General Short of November 27, 1941, No. 472?

10. Do you recall under what circumstances and by whom this message was shown to you?

11. Do you regard that message as containing all of the information with respect to the Japanese and instructions necessary to be sent to General Short for [223] the accomplishment of his mission in the Hawaiian Department at that time?

12. Upon your appearance before the Army Pearl Harbor Board, Monday, 7 August 1944, you testified about the Report of General Short in response to the direction in the message of 27 November to report measures taken. In this testimony you were not certain as to whether or not you saw General Short's Report. Your language is "I have no recollection at all. The presumption would be that I had seen it."

Have you in any way refreshed your memory on this subject so as to change the answer just quoted?

13. The message from General Short making such report indicates that it was stamped in the Office of the Chief of Staff with the following entry: "Noted—Chief of Staff." It does not contain your signature. Will you please state to the Board who was authorized to place this stamp upon the message?

14. Would the placing of this stamp upon the message indicate to others in the War Department that you had seen the message and noted its contents?

15. Did you know that General Short had ordered his Command into an alert for sabotage only, and that this condition of readiness obtained during the entire period 27 November–6 December inclusive?

16. Is it now apparent that the message of 27 November 1941 from the Chief of Staff to the Commanding General of the Hawaiian Department (No. 472), was misunderstood or misconstrued by the Commanding General [224] of the Hawaiian Department and did not accomplish the desired and intended results?

17. Is it now apparent that the Report of General Short to the War Department, in compliance with the instructions in the above message to report measures taken, was misunderstood or misconstrued by the War Department and did not accomplish the desired and intended results?

18. Were any steps taken by the War Department between 27 November and 7 December 1941 to determine the state of readiness of the Command of the Hawaiian Department?

19. In your previous testimony before the Army Pearl Harbor Board you read into the record a joint statement signed by you and Admiral Stark which

was dated 27 November 1941. It is on the subject of the Far Eastern situation and is addressed to the President. The following questions relating to that joint agreement are submitted:

a. Do you know the date when this joint statement was delivered to the President?

b. Did you know at the time of its delivery to the President that the Secretary of State's memorandum of 26 November had been sent to the Japanese Ambassadors?

c. The following is quoted from that statement:

"After consultation with each other [225] United States, British and Dutch military authorities in the Far East agreed that joint military counter action against Japan should be undertaken only in case Japan attacks or directly threatens the territory or mandated territory of the United States, the British Commonwealth, or the Netherlands East Indies, or should the Japanese move forces into Thailand west of 100° East of or south of 10° North, Portuguese Timor, New Caledonia, or the Loyalty Islands."

(1) Who constituted the military authorities representing the United States in entering into this agreement?

(2) What was the extent of his authority to bind the United States to take counter action against Japan in event the contingencies described in the above quotation or any one of them should come to pass?

d. The following recommendations were made by you and Admiral Stark in this joint agreement:

"It is recommended that:

"prior to the completion of the Philippine reinforcements, military counter action be considered only if Japan attacks or directly threatens United States, British or Dutch territory as above outlined:

"in case of a Japanese advance into Thailand, Japan be warned by the United States, the British, and the Dutch Governments that advance beyond the lines indicated may lead to war; prior to such [226] warning no joint military opposition be taken.

"steps be taken at once to consummate agreements with the British and Dutch for the issuance of such warning."

Was the sending of the memorandum of 26 November by the Secretary of State to the Japanese Ambassadors, which memorandum was described above, in conflict with these recommendations?

20. Were there any restrictions imposed upon the War Department relating to its activities in the Pacific by either the President or the State Department? Specifically, were the injunctions to commanders in the Pacific area to avoid commission of the first overt act, alarming the population in Hawaii, disclosing intent, etc., the result of instructions from such sources?

21. Upon whose decision was General Short relieved of Command of the Hawaiian Department?

22. Would you furnish the Army Pearl Harbor Board a copy of the order for his relief?

(Thereupon the witness was excused, with the usual admonition.)

[227]

MUNITIONS BUILDING,
Washington, D. C.

TESTIMONY OF COLONEL RUFUS S. BRATTON—Recalled

Colonel WEST. As the witness, Colonel Bratton, is appearing again, or being recalled, and he has already been sworn, it will not be necessary to swear him again, but he is reminded he is still under oath.

Colonel BRATTON. Yes, sir.

General GRUNERT. Colonel, I think General Russell has some questions to ask, and I will turn you over to him.

General RUSSELL. Colonel, when you were here as a witness before the Board recently, you referred to a document, which you described as a secret summary of Far Eastern documents. The Board at that time

requested that you take steps to make that document available to us, as evidence; is that true?

Colonel BRATTON. Yes, sir.

General RUSSELL. Have you brought that document into the Board meeting with you today?

Colonel BRATTON. I have brought a photostat copy of the original summary, dated 20 August 1943, which is on file in War Department G-2. In addition to this document you have before you, there are 16 volumes of photographs, or photostats, of the original documents which were used in preparing this summary. They will be made available to you later, sir.

General RUSSELL. What can we obtain from those additional documents which you have referred to as 16 in number, that is not briefed and condensed in the document which you are submitting to the Board?

Colonel BRATTON. Nothing except verification of the statements contained in this summary, and knowledge as to the [228] distribution given the documents themselves. In most cases the officers or offices to whom copies of the original documents were routed are indicated on the document itself. While the distribution is not indicated on the original documents, it may be assumed that copies were sent to OPD and to ONI in every case, as that was our standard operating procedure at the time. Those documents that were thought to be of interest to the State Department, copies were sent to the State Department; those of particular interest for the Chief of Staff were shown to him; documents of interest to the Department of Commerce, copies were sent to that Department; and so on; but in every case, copies went to OPD and to ONI.

General RUSSELL. Colonel, I don't know that it is clear in the record, or to all Members of the Board, just what the relation is between the document which you have brought here, and which we are going to tender in evidence, and these 16 other volumes that you have described.

Colonel BRATTON. The 16 other volumes are the original documents upon which this summarization was based. The documents themselves in many cases have a distribution list thereon which indicates the routing of the various copies of those documents. Where no such distribution list is shown, it may be assumed that copies went always to WPD and to ONI. Occasionally, when the matter was considered sufficiently important, copies were sent to the Chief of Staff, and to the President.

General FRANK. Does this volume contain all the basic information?

Colonel BRATTON. Yes, sir.

General FRANK. And, in the back of this volume, is a list [229] of the volumes that are on file in G-2 of the War Department, the 16 volumes?

Colonel BRATTON. Yes, sir; but do not misunderstand me, it does not contain the list of all of the documents bearing on the Far East that are on file in G-2.

General FRANK. No; I am talking about the 16 volumes.

Colonel BRATTON. Yes, sir.

General FRANK. So that if, at any time, in reading this summary, this Board, or any other agency, wanted to refer to any of those 16 volumes, they could be obtained from G-2 of the War Department?

Colonel BRATTON. Yes, sir.

General RUSSELL. I introduce this document in evidence, which was produced, here, at the request of General Frank, as a Member of the Board, on September 30, 1944.

(The Summary of Far Eastern Documents, requested by General Frank, page 90, volume "B", was marked as Exhibit "A", and was received in evidence.)

General RUSSELL. Now, Colonel, let us spot these documents that are over in G-2, for a minute, that are not in this memorandum that you have just given us, these critical messages that are described as having reached G-2, and the critical messages sent by G-2, in November and early December, 1941. Where are they, now?

Colonel BRATTON. The translated intercepts, you refer to, are on file in G-2, War Department.

General RUSSELL. Do these translated intercepts indicate the time that they were received in the office of G-2 and the delivering agency?

[230] Colonel BRATTON. No, sir; they indicate in each case, however, the date of transmittal, the date and agency by whom translated.

General RUSSELL. What do you mean by the term "transmittal"—transmittal to G-2, or transmittal from G-2?

Colonel BRATTON. No, sir; from the sender to the receiver; a message from him.

General RUSSELL. I understand.

Colonel BRATTON. Just like any other telegram or cablegram would show.

General GRUNERT. Would that record also show the time that the translation was completed?

Colonel BRATTON. Yes, sir; and in practically every case that date will be approximately the day of receipt in G-2. A message might have been translated by the Navy, last night, and it would be received by G-2, the following morning; but there would be no longer gap than that.

General RUSSELL. Is there an index in G-2's office of these messages about which we are talking now?

Colonel BRATTON. That, I don't know, sir.

General GRUNERT. How, then, could they find any particular message that they are after, if the files do not show such index?

Colonel BRATTON. I cannot answer this, first-hand, General. I don't know, of my own knowledge.

General FRANK. Who is the custodian?

Colonel BRATTON. Since some time in 1942, I think.

General FRANK. Who was the custodian previous to him? Were you ever custodian of these files?

Colonel BRATTON. Yes, sir.

[231] General FRANK. When?

Colonel BRATTON. Up until some time in the early part of 1942, when the so-called "special branch" was set up in G-2 for the handling of this type of material.

General FRANK. Didn't you have them filed, indexed, and catalogued?

Colonel BRATTON. I did, sir.

General RUSSELL. What has happened to those files and indexes?

Colonel BRATTON. I assume that with the machinery they now have set up to handle this material, it is filed, indexed, cross-indexed, and catalogued in every possible way.

General RUSSELL. Have you seen any of those documents that we are now talking about since you came back to the States recently?

Colonel BRATTON. Yes, sir.

General FRANK. How did you find them?

Colonel BRATTON. I did not find them, sir. They were handed to me, one by one, to ask if I remembered seeing such and such a document, did I have knowledge of it, and so on, and so forth.

General FRANK. Was that when you were a witness before this G-2 investigating board?

Colonel BRATTON. Yes, sir.

General FRANK. You have not been allowed to get into the file by yourself?

Colonel BRATTON. I have been given everything that I asked for.

General FRANK. But you have not been roaming around in [232] those files?

Colonel BRATTON. No, sir.

General RUSSELL. Well, let us be a little more specific. When you were here last, Colonel, you talked about the message that went out to Colonel Fielder on about the 5th day of December 1941?

Colonel BRATTON. Yes, sir.

General RUSSELL. I may be incorrect, but, as I recall, you stated that you would look up that message for us and see if you could get it for us; is that true?

Colonel BRATTON. I did, sir; but I was not able to get it.

General RUSSELL. Did you see it?

Colonel BRATTON. Yes, sir; I saw it.

General RUSSELL. It is there?

Colonel BRATTON. I saw it as late as this morning.

General RUSSELL. And it is over there in the files, but they won't let you have it?

Colonel BRATTON. Well, they wouldn't let me bring it over here, if that is what you mean, sir.

General RUSSELL. Now, do you know who has issued the instructions that we are not to be given those messages, Colonel?

Colonel BRATTON. No, sir. I mean by that, I don't know the ultimate authority.

General RUSSELL. Colonel, we do want to talk to you about one or two other things, about which you do know. You were over in G-2 on the morning of December 7, 1941, weren't you?

[233] Colonel BRATTON. Yes, sir.

General RUSSELL. Do you recall what time you got into the office that morning? I think you have testified that, before, but I have forgotten.

Colonel BRATTON. I reached the office, that morning, some time between 7 and 8 o'clock, I believe, sir.

General RUSSELL. Did you know a Major Doud?

Colonel BRATTON. Yes, sir.

General RUSSELL. Was Major Doud in the office, that morning, when you reached it?

Colonel BRATTON. Not that I recall. I saw him later on in the day.

General RUSSELL. When you first reached the office, that morning, did you find the 13 of the 14 parts of the Japanese reply to Mr. Hull's memorandum of November 26, 1941?

Colonel BRATTON. My recollection is not very clear on that, sir. We kept a 24-hour watch in my section of G-2 around about this time, for obvious reasons. Certain trusted assistants of mine helped me in receiving and combing out these intercepts and arranging them for distribution, and at that time or at about that time they were coming in at all hours of the day and night, and it may be that a part of that document you refer to had reached my desk before I got there. I remember that a long message, which was the Japanese reply, in 14 parts, about 20 pages, started coming in, the afternoon of the sixth, and I delivered, that night, the parts that had come in by that time. I believe that I didn't get the last part—that is, the 14th part—until the morning of the 7th.

General RUSSELL. Whom did you deliver them to that night?

[234] Colonel BRATTON. To the office of the Chief of Staff: the ACofS; G-2; WPD; and the State Department. I gave the Secretary of State's copy to the watch officer in the State Department, with the request that it be gotten to Mr. Hull immediately.

General RUSSELL. Did you do that, personally?

Colonel BRATTON. I gave it personally to the watch officer in the State Department, in a locked pouch.

General RUSSELL. About what time?

Colonel BRATTON. I would say about half past ten, although I am not certain.

General RUSSELL. Do you recall when you placed the parts that did come in, on the desk of the Chief of Staff?

Colonel BRATTON. No, sir.

General RUSSELL. Was it before midnight?

Colonel BRATTON. I don't remember, sir.

General RUSSELL. Was it during the night?

Colonel BRATTON. It must have been, because he had it on his desk when I saw him on the morning of the 7th.

General RUSSELL. You stated, a moment ago, that you made distribution on the night of the 6th to G-2, the Chief of Staff, and the Secretary of State; was not that the effect of your testimony a moment ago?

Colonel BRATTON. Yes, sir.

General RUSSELL. Do you have any independent recollection of when you put this document on the desk of either G-2 or of the Chief of Staff?

Colonel BRATTON. No, sir; I don't remember.

General RUSSELL. Are there any records in the office of G-2 now which will show when that was done? [235]

Colonel BRATTON. No, sir.

General RUSSELL. Now, I believe you state that the next morning you saw that on the Chief of Staff's desk, referring to this long message.

Colonel BRATTON. Yes; he had a copy on his desk.

General RUSSELL. And that was about 11:25, when you saw that, there?

Colonel BRATTON. Yes, sir.

General RUSSELL. Was your testimony, on Saturday, to the effect that you waited for the Chief of Staff in the outer room of his office on that morning?

Colonel BRATTON. Yes, sir. I was either in the office of the Secretary to the General Staff, or out in the hall, waiting for the Chief of Staff to arrive.

General RUSSELL. How do you fix the time so accurately as being about 11:25 a. m.?

Colonel BRATTON. I kept looking at the clock on the wall and at my watch. I was anxious for the Chief of Staff to get there.

General RUSSELL. Then, I believe that later on, about the 10th of December, which was three or four days later, you wrote a memorandum of the occurrences, and, as I recall, there appears in that memorandum which you dictated into the record, the statement that the Chief of Staff came in, about 11:25.

Colonel BRATTON. Yes, sir.

General FRANK. Or at least, you went in to the Chief of Staff, at 11:25—which, or was it both?

Colonel BRATTON. Both. I saw him as soon as he got there. [236] I was waiting for him.

General RUSSELL. Now, when was this Clarke investigation made, that we are talking about, now? Recently?

Colonel BRATTON. It has been going on for some days, sir. I appeared before this "board", I presume it is, in G-2, on the morning of the 14th of September, for the first time, and I have talked to the members of the Board practically every day since then.

Colonel TOULMIN. Colonel, I would like to get an answer to this important question. When you got the 13 parts of this vital message from Japan, on the evening of the 6th, about 9 or 10 o'clock as I understand, and you placed a copy on the Chief of Staff's desk, why was it the Chief of Staff was not called by you or somebody else and immediately advised of the receipt of this important message, instead of waiting until some time the next morning, before his attention was called to it?

Colonel BRATTON. Those of us who had been reading these intercepts knew that this long statement from the Japanese foreign office was on the way. We suspected that it was in the nature of an ultimatum. The ultimatum itself was actually in part 14 of the message, which I didn't get until the early morning of the 7th of December.

Colonel TOULMIN. I am aware of that, but you don't answer my question. Why weren't the first 13 parts, which were considered important enough by the Navy to be delivered to the President and to every one of the important Admirals in the Navy Department, delivered by the War Department officers to the Chief of Staff, and his attention called to it, so he could [237] have taken some action upon it? That's what puzzles me.

Colonel BRATTON. You are referring, now, to the Japanese reply?

Colonel TOULMIN. To the 13 parts.

Colonel BRATTON. Yes—not to the short message?

Colonel TOULMIN. Not to the short message. I am talking about the evening of December 6, and they were in English by 9 or 10 o'clock. The President of the United States and the leading Admirals of the Navy Department all had that message before midnight, most

of them by 10 or 11 o'clock. You had it in the early evening, also. What I am trying to find out is why it was that the Chief of Staff was not called and advised, as were others, that this important document had been received. In view of the tenor of its contents, it hardly needed the 14th paragraph, to be conclusive as to its intent and contents; and why did not the Chief of Staff get that message?

Colonel BRATTON. I am trying to remember, sir, what I did with the copies that went to General Miles and General Marshall and General Gerow. I can't verify it or prove it, at this time, but my recollection is that those three officers got their copies the evening of the 6th.

Colonel TOULMIN. By "the three officers," you mean whom?

Colonel BRATTON. General Marshall, General Miles, and General Gerow. Now, it was my practice to deliver to them their copies before I went to the State Department.

Colonel TOULMIN. That was your practice?

Colonel BRATTON. Yes, sir.

Colonel TOULMIN. Did you deliver this copy, for instance, to General Marshall, personally, on the evening of the 6th?

[238] Colonel BRATTON. No; I very seldom delivered it to him, in person. I gave it to his secretary, in a locked bag.

Colonel TOULMIN. And you gave it to General Miles in what way, on the evening of the 6th?

Colonel BRATTON. I generally took them into his office and handed them to him, and if he wasn't there, I left it with the executive officer, Major, now Colonel Smith.

Colonel TOULMIN. We are now talking about the evening before, Saturday evening, December 6.

Colonel BRATTON. Yes.

Colonel TOULMIN. Is it your recollection you handed this important, long, 13-part message to General Miles on that evening?

Colonel BRATTON. Yes, sir.

Colonel TOULMIN. Is it your recollection that you handed that long, 13-part message, on that evening, to the Secretary to the Chief of Staff?

Colonel BRATTON. Yes, sir.

Colonel TOULMIN. And it is your recollection that you handed it on that evening of December 6 to General Gerow, or some representative of General Gerow?

Colonel BRATTON. Yes.

Colonel TOULMIN. Did you hand it to General Gerow directly, or to his Secretary?

Colonel BRATTON. To his executive officer.

Colonel TOULMIN. Who was he?

Colonel BRATTON. The executive?

Colonel TOULMIN. Yes.

Colonel BRATTON. Colonel Gailey.

[239] Colonel TOULMIN. And what is the name of the Secretary of the Chief of Staff?

Colonel BRATTON. Colonel Smith, Bedell Smith, now Lieutenant General.

Colonel TOULMIN. And after this, you then went over and delivered it to the Secretary of State in the locked pouch, for and on his behalf, is that right?

Colonel BRATTON. Yes, to the watch officer in the State Department.

Colonel TOULMIN. To the watch officer, about 10 or 10:30, on that Saturday evening, December 6?

Colonel BRATTON. That is correct.

Colonel TOULMIN. Now, having made these deliveries, Colonel, to these four recipients, the Chief of Staff, the Chief of G-2, the Chief of the War Plans Division, and the Secretary of State, did you get any reaction to that message, until the following day?

Colonel BRATTON. What do you mean by "reaction," Colonel?

Colonel TOULMIN. Did they answer it, did they act upon it, did they mention it, did they discuss it, did they call you, did they look at it, to your knowledge? Or, put it in the negative—did they do nothing about it, so far as you know?

Colonel BRATTON. I had some discussions of the message, as I remember now, with General Miles, indicating to him that the final part was yet to come. It did not come in until the following morning. The reaction from General Marshall was a reading and a discussion of the entire communication.

General FRANK. That night?

Colonel BRATTON. No.

[240] General FRANK. Or the following morning?

Colonel BRATTON. The following morning.

Colonel TOULMIN. Let us confine ourselves to the night of December 6, now.

Colonel BRATTON. Sir?

Colonel TOULMIN. Let us confine ourselves to the night of December 6, for the moment, at least. Now, did you talk to General Miles?

Colonel BRATTON. I did not talk to General Marshall the night of the 6th.

Colonel TOULMIN. Did you talk to General Miles on the night of the 6th?

Colonel BRATTON. My recollection is that I did, sir.

Colonel TOULMIN. You talked to him on the phone, or in his office?

Colonel BRATTON. No, I believe I talked to him in his office.

Colonel TOULMIN. And did he read this document in your presence, then and there, on the night of December 6?

Colonel BRATTON. My recollection is that he did; yes, sir.

Colonel TOULMIN. And at about what time did you hand it to him and he read the document?

Colonel BRATTON. That, I don't remember.

Colonel TOULMIN. Was it about 9 or 10 o'clock, or something of that sort?

Colonel BRATTON. I don't remember, sir.

General FRANK. Was it before you went to the State Department?

Colonel BRATTON. Yes.

[241] Colonel TOULMIN. Then it must have been somewhere between 7 and 10:30 o'clock on the evening of December 6, is that right?

Colonel BRATTON. It must have been.

Colonel TOULMIN. And did General Miles comment upon the message after he read it, to you?

Colonel BRATTON. Oh, yes! We discussed it at some length.

Colonel TOULMIN. And was anything done so far as you know about it at that time?

Colonel BRATTON. That night?

Colonel TOULMIN. Yes, that night.

Colonel BRATTON. No, sir; not that I know of.

Colonel TOULMIN. General Miles took no action in your presence to call the Chief of Staff, then, did he?

Colonel BRATTON. Not that I know of; not in my presence.

Colonel TOULMIN. Now, that leaves General Gerow. Did you have any contact with General Gerow, other than to hand it to his executive officer?

Colonel BRATTON. I don't remember that I did, sir.

Colonel TOULMIN. Did you get any reaction from General Gerow, that evening?

Colonel BRATTON. No, sir.

Colonel TOULMIN. And how about General Smith? Did you get any reaction from him, or any action, rather?

Colonel BRATTON. No. General Smith did not have access to these pouches. You mean General Bedell Smith?

Colonel TOULMIN. Yes.

Colonel BRATTON. He didn't have a key to the bag.

[242] General RUSSELL. What was his relation?

Colonel BRATTON. General Marshall's secretary.

General RUSSELL. Well, he is the man to whom you gave General Marshall's copy, was he not?

Colonel BRATTON. Yes; but it was in a locked pouch, to which General Marshall had the key.

General RUSSELL. Do you know what Bedell Smith did with it?

Colonel BRATTON. No, sir.

Colonel TOULMIN. Did you tell him that it was an important document in the locked pouch?

Colonel BRATTON. Yes, sir.

Colonel TOULMIN. And that the Chief of Staff should know about it?

Colonel BRATTON. Should see it right away.

Colonel TOULMIN. What was General Smith's response—that he would get in touch with the Chief of Staff, or would not?

Colonel BRATTON. It must have been, because if it had been otherwise, it would have registered on my memory.

Colonel TOULMIN. And about what time in the evening was it when General Smith was told there was an important document in that locked pouch for General Marshall, and that his attention should be called to it?

Colonel BRATTON. I don't remember that, sir.

Colonel TOULMIN. And that was on the evening of December 6?

Colonel BRATTON. Yes.

[243] Colonel TOULMIN. 1941?

Colonel BRATTON. Yes, sir.

Colonel TOULMIN. That is all on that, I think.

Major CLAUSEN. I have one question to the same point. Did you, after this evening of December 6, receive verification that it had been given to the Chief of Staff on the evening of the 6th of December?

Colonel BRATTON. No. I don't know whether it was or not.

General GRUNERT. In your discussion of this long message, the 13 "chapters," we will call them, with General Miles, did General Miles

personally attempt to find out what the Chief of Staff wanted to do about it, that night?

Colonel BRATTON. I don't know, sir.

General GRUNERT. I have no further questions.

Is there anything else that you think of that you now would like to acquaint the Board with? We always give every witness an opportunity to get something off his chest if he has something that he is waiting for a chance to tell.

Colonel BRATTON. Yes, sir. If you have in evidence this particular message, I strongly recommend that you secure the 30 or 40 other messages which preceded it; that is, the exchanges between the Ambassador in Washington and the foreign minister in Tokyo.

General GRUNERT. And that would lead us where?

Colonel BRATTON. And consider the picture that lay before all of our policy-making and planning officials, from the Secretary of State down through the Secretary of War, to the Chief of the War Plans Division. They all had the same picture; and it was a picture that was being painted over a period of [244] weeks, if not months.

General BRUNERT. But this culminating bit of information appeared to put the finishing touch on that picture.

General RUSSELL. There was one other "daub," as I get it—the short message which told them to destroy their code machines and to deliver the ultimatum at 1 o'clock. That was the final one, was it not?

Colonel BRATTON. Yes, sir.

General GRUNERT. I think the Board has the picture. Just how far we will go from here, we will decide.

All right. Thank you very much.

(The witness was excused, with the usual admonition.)

(Thereupon, at 5:30 p. m., the Board proceeded to other business.)

[TOP SECRET]

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[246] PROCEEDINGS BEFORE THE ARMY PEARL
HARBOR BOARD

FRIDAY, OCTOBER 6, 1944.MUNITIONS BUILDING,
Washington, D. C.

The Board, at 9:10 a. m., pursuant to recess, conducted the further hearing of witnesses. Lt. Gen. George Grunert, President of the Board, presiding.

Present: Lt. Gen. George Grunert, President; Maj. Gen. Henry D. Russell and Maj. Gen. Walter H. Frank, Members.

Present also: Colonel Charles W. West, Recorder; Major Henry C. Clausen, Assistant Recorder; and Colonel Harry A. Toulmin, Jr., Executive Officer.

General GRUNERT. The Board will come to order.

**TESTIMONY OF OTIS K. SADTLER, 03577, COLONEL, SIGNAL CORPS,
GROUND SIGNAL OFFICER; WAR COLLEGE, WASHINGTON, D. C.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station.

Colonel SADTLER. Otis K. Sadtler, 03577, Colonel, Signal Corps; Ground Signal Officer; War College, Washington, D. C.

General GRUNERT. Colonel, in this special part of our investigation, General Russell will propound the questions, and the other Members of the Board will fill in wherever they see fit.

Colonel SADTLER. Yes, sir.

[247] General RUSSELL. Colonel Sadtler, as suggested by General Frank, I want to advise you that the evidence which you give this morning will be regarded as top secret testimony, that it is being impounded in a separate file, and is being made available to a very limited number of selected people who are on the Board or closely associated with the Board, in this investigation, with such other people as may be designated by the War Department.

What is your present assignment, Colonel?

Colonel SADTLER. Signal officer of the ground forces.

General RUSSELL. How long have you been in the Signal Corps as a signal officer?

Colonel SADTLER. About 27 years.

General RUSSELL. Where were you and what was your assignment, in 1941?

Colonel SADTLER. From January 1, 1941, until about the 7th of August 1941, I was signal officer of the Second Corps, at Wilmington, Delaware. I was then ordered to duty in the Chief Signal Office, and had charge of military codes and ciphers, the message center, training, the schools, pictorial publicity, photographic work—in general, the military end of the Signal Corps.

General RUSSELL. Colonel, in connection with the duties which you have just described as having been performed by you in the year 1941, after you came to Washington, did you see the messages concerning the relations between the American Government and the Japanese empire, which passed through the office over which you had supervision?

Colonel SADTLER. Yes, sir. In general I saw most all of [248] those messages. In other words, I saw most of the information that was obtained through our code-deciphering department.

General RUSSELL. Did you give attention to the substance of those messages at any time, or were you primarily or solely interested in a proper deciphering, interpretation, and delivery?

Colonel SADTLER. In general my position was one of operations only. In other words, we were concerned primarily with the collection of data that came to our attention through various intercept means, and we were not concerned with the evaluation or the analysis of the content of those messages.

General RUSSELL. Colonel, what agencies were in operation, intercepting data, which were placed in the messages with which your office had contact, after your coming to Washington in 1941?

Colonel SADTLER. I am not sure that I quite understand your question, General.

General RUSSELL. Well, let me express it another way. It was rather broken down into parts.

The Army had certain means for intercepting information, the Navy had certain means for intercepting information, and the information thus intercepted reached the agency over which you had control, for processing; is that true?

Colonel SADTLER. Yes, sir. The two agencies that had a complete exchange of information, due to agreements that were made between the two services, were the Army and Navy. The Federal Communications Commission had an intercept service, as also did the Coast Guard, but that was under the Navy at the time, so I suppose you can call them a Navy agency.

General RUSSELL. You have referred to a working plan or agreement between the Army and Navy. Briefly, what was that?

[249] Colonel SADTLER. That any information we obtained, we gave them a copy, and anything which they obtained, they gave us a copy; and whenever our translators were on duty and theirs were not, or theirs were on duty and ours were not, the stuff would be exchanged, for processing.

General RUSSELL. What was the history as it relates to the number of messages reaching you, or those associated with you, for processing, late in November and early in December 1941, relating to the Japanese-American negotiations? Did they become more numerous, or fewer?

Colonel SADTLER. Yes, sir; the messages regarding the relations between Japan and the United States did increase materially.

General FRANK. On what date? Leading up to what date, about?

Colonel SADTLER. I don't know. It seems to me that when I first came to the office, I was warned that the messages beginning to come, on the relations between Japan and the United States, were getting more tense, the condition.

General FRANK. Who warned you of that?

Colonel SADTLER. General Mauborne, the retired Chief Signal Officer at that time. The information began to assume rather serious proportions regarding the tense and strained relations between the two countries, and the number of messages about warnings of conditions that might obtain in case of hostilities really reached a climax around the middle of November, to such an extent that we were of the opinion that there might be a declaration of war between Japan and the United States on Sunday, November 30. This, as you all know, proved to be a [250] "dud," and on Monday, December 1, if I recall the date correctly, messages that morning began coming in from Tokyo telling the consuls to destroy their codes and to reply to Tokyo with one code word when they had so complied with their directive. If I recall correctly, that word was "Haruna." It is the same name as that battleship that Colin Kelly was alleged to have sunk.

About December 3, Tokyo notified the embassy pertaining to the destruction of their codes, at once.

General FRANK. The embassy in Washington?

Colonel SADTLER. The Japanese embassy in Washington, regarding the destruction of their codes. Now, those messages were important as showing the trend of conditions.

Along about November 20—this date I am not sure about—somewhere after November 20 there was a message I think intercepted by the Federal Communications Commission, one in voice, and one in CW, to the effect that the Japanese were notifying their nationals of possible war between Japan, Great Britain, the United States, and Russia. This message stated upon the advent three code words would be broadcast; one meaning "north wind cold," "east wind rain," "south wind fair," or anyhow, there were three messages that had meteorological data contained therein, and these three messages, the first word meant "Japan and United States," "Japan and Russia," "Japan and Great Britain," would go to war, and they were notifying their nationals throughout the world that when this "Winds" message as it has been now called was implemented, war would be declared between Japan and one of those three countries.

I made arrangements at that time, through Colonel Wesley [251] Guest, who was one of my officers, to contact the Federal Communications Commission to ask that their intercept service listen in, in Japanese broadcasts, for the implementation of that particular message. The Federal Communications Commission complied, and arranged for a telephone communication between their broadcast station and Colonel Bratton, who was the liaison officer between our Code and Cipher section and G-2, and, if I remember rightly, he was the officer in charge of the Far Eastern force at that time.

General FRANK. Just for the purpose of keeping the record straight, he was the liaison officer between G-2 and your Code and Cipher section, is that correct?

Colonel SADTLER. Yes. In other words, all information that we obtained we turned over to Colonel Bratton.

General FRANK. Go ahead.

Colonel SADTLER. We paid a great deal of attention to that message, and then when the directive came from Tokyo regarding the destruction of codes, that message began to assume some importance, or a great deal of importance.

General FRANK. That is, in the estimation of the people who were handling it?

Colonel SADTLER. That was in the estimation of General Miles, Colonel Bratton, and myself; others, maybe; I don't know.

On the morning of the 5th of December, Admiral Noyes, who was Chief of Naval Communications at that time, time, called me, about 9:30, with words to the effect, "Sadler, the message is in!" I asked him which one it was, and he said he didn't know, but he thought it was the one that meant war between Japan and Great Britain. I asked him for the Japanese word, and he said he [252] didn't know it, but to please tell G-2.

I went immediately to General Miles's office and told him that the word was in. He said, "Wait a minute, I will call Colonel Bratton," and in a very short while Colonel Bratton came into the office, and we sat down at General Miles's desk. There were General Miles, Colonel Bratton; some officer, I don't know who it was. I think he has since been identified as General Roderick, who is now dead; and myself.

I then reported what General Noyes had told me, and Colonel Bratton took out his little notebook, and he said, "Which one of these three words is it?" And I said, "I don't know, but Admiral Noyes says it is the one meaning war between Japan and Great Britain." "Well," he said, "do you think you can verify that word? This may be a false alarm." I says, "I will go back and call Admiral Noyes on the secret phone."

I got Admiral Noyes, and he said, "I don't know," and I said, "Can you verify it?" He said, "I can't do it right now, as I have to attend a meeting in the Office of the Chief of Naval Operations," or some place, I don't know where; but he was unable to verify that at the time, "and," he says, "I will do it later." I says, "I think 'later' will be too late!" I went back to General Miles's office and told them that Admiral Noyes was unable to verify the word at that time, that he had to go to a meeting, but he was positive that it was the word meaning Japan and Great Britain, and it was the implementation of that "Winds" message. I would like to add here that my memory is a little bit faulty as to whether it was not Japan and Great Britain. It may have been Japan and Russia, but I am positive it was not Japan and the United States.

[253] I went back to my office. Rather, General Miles said, "Well, I don't know what we will do. You keep on the lookout for anything that comes in and let us know just as soon as possible."

I went back to the office, and then I went down to see General Gerow, who was head of the War Plans, told him to the effect of what Admiral Noyes had said, and didn't he think we should send a message to Hawaii. I don't mean Hawaii—to Panama, the Philippines, and Hawaii. He says, "I think they have had plenty of notification." And the matter dropped.

I then went in to the Secretary of the General Staff and talked to Colonel Smith about the same thing, and he asked me what I had done, and I told him I had talked to G-2 and War Plans; and he didn't want to discuss it further.

Some time about—I don't know whether it was the 5th or 6th of December, or at that period, Tokyo notified the Japanese embassy at Washington to destroy their remaining codes, which was done on Saturday afternoon, and duly reported in the Sunday STAR on December 7.

General RUSSELL. Have you finished that line, Colonel?

Colonel SADTLER. Yes, sir; I think that is enough.

General RUSSELL. I wanted to ask one or two questions about it. Now, Colonel, as I understand your testimony, you had accomplished your mission or fulfilled your job when you delivered these messages to the office of G-2, is that correct?

Colonel SADTLER. Yes, sir.

General RUSSELL. On this particular day of December 5, 1941, you went further, and discussed the message with Gerow, of the War Plans Division, and Smith, who was Secretary of the [254] General Staff?

Colonel SADTLER. Secretary of the General Staff.

General RUSSELL. Would you tell the Board why you went the "second mile" and discussed this message with the War Plans Division and Secretary of the General Staff?

Colonel SADTLER. I was sure war was coming, and coming very quickly. On December 4—that's Thursday—I represented the Chief Signal Officer at the Defense Communications Board, which was composed of Mr. Fly, Mr. Breckinridge Long; Assistant Secretary of the Treasury, Mr. Gaston; the Chief Signal Officer, and the Chief of Naval Operations.

Just before that meeting, Mr. Gaston asked me what I thought about war being declared, and I said that I thought they would have war within 48 hours. He turned to Captain Redmont, who represented Admiral Noyes at that meeting, and asked him what he thought, and he said he agreed with Colonel Sadtler.

General RUSSELL. Then your reply to the question that I asked, requesting the reason for your going to Gerow and Smith, is that you felt that war was very imminent, and, prompted by that feeling, you communicated with these two operating officers?

Colonel SADTLER. That's about right; yes, sir.

General RUSSELL. And in the conversation with Gerow, you suggested action, which he gave his reasons for not taking?

Colonel SADTLER. Which were to the effect that they had had plenty of warning.

General FRANK. Was there anybody besides Miles, Bratton, Gerow, and Bedell Smith, with whom you talked about this matter?

Colonel SADTLER. Except that unknown officer, who was in General Miles's room, that day.

[255] General FRANK. That you thought was Roderick?

Colonel SADTLER. Which I thought was Roderick.

General FRANK. That constitutes the whole coterie with whom you had any discussion about this?

Colonel SADTLER. I think so.

General GRUNERT. And, of course, the Navy.

General FRANK. I am talking about the Army.

General RUSSELL. Now, about one or two other messages, Colonel. Do you have any recollection of messages which may have reached the agency that you were controlling and have described, on the evening of December 6 and the morning of December 7? I will identify them a little further.

It has come to the attention of the Board that some time on the evening of December 6, probably around 9 or 10 o'clock, there were received by some government agency the first 13 of 14 parts of the reply of the Japanese government to Mr. Hull's note of November 26, 1941. Did that clear through your agency?

Colonel SADTLER. I don't know, sir.

General RUSSELL. It is also in the record that some time in the morning, December 7, the last, the 14th part of this reply reached War Department agencies, and the time for delivery of the entire reply was received in a message, as well as some further instructions about the destruction of codes or code machines. Do you have any recollection of those December 7 messages which I have described?

Colonel SADTLER. No, sir; I did not go to work on the morning of December 7.

General GRUNERT. How about the night of the 6th? Were you there?

[256] Colonel SADTLER. No, sir; I was not. I heard about these things after that, on about the 8th or 9th, General. I did not know anything about them at the time.

General RUSSELL. Now, Colonel, in order that the questions which I am about to ask may be intelligible to you—and you may supply in your answers such deficiencies as exist in my questions, because I am unfamiliar with the subject—I want to state to you that on the 5th day of December 1941, G-2 states that a message was sent to G-2 of the Hawaiian Department, Colonel Fielder.

The substance of that message may be material or immaterial. It was to the effect that Fielder contact Rochefort, of the Navy. It has come to the attention of the Board, informally, to this time, that Colonel Fielder, G-2 of the Hawaiian Department, has denied rather recently that he received that message.

Now, the questions. Would there be in the records of the transmitting agency, to-wit, the signal set-up here at Washington, any information, or the lack of information, which would indicate the delivery or non-delivery of that message which I have just described?

Colonel SADTLER. No, sir.

General RUSSELL. At the time of the sending of the message, assuming that it was December 5, 1941, would there have been in the message center or elsewhere in Washington information indicating that this alleged message had reached the receiving agency in Honolulu?

Colonel SADTLER. Yes, sir.

Colonel RUSSELL. Had that message not reached the receiving agency in Honolulu, what would have been its impact [257] on the system here in Washington?

Colonel SADTLER. There would have been a number missing, in the series of messages sent on that trick.

General RUSSELL. What steps would have been taken to determine just what happened to the missing message, on this end?

Colonel SADTLER. There would have been a complete search made of everything, to find out where that message had been mislaid.

General RUSSELL. Do you know whether or not there was a missing message to Honolulu on that day, and whether or not a search was made to determine the facts surrounding such missing message, if one in fact developed?

Colonel SADTLER. No, sir. I did not know, nor did I hear, of anything concerning a missing message on that date.

General RUSSELL. Is it possible for you at this time, or for anyone else, to make an investigation in the message center or signal service in Washington and determine whether or not there was a missing message to Honolulu on that day?

Colonel SADTLER. I doubt if that information could be obtained today, in so far as the Signal Corps, there, is concerned.

General RUSSELL. Do you think that if a message, transmitted from your agencies in Washington on the 5th of December 1941 to Honolulu, had not reached the receiving agency—I am referring to the receiving signal agency, now, in Honolulu—that such fact would have been called to your attention, had such message not been discovered?

Colonel SADTLER. I doubt it. It would probably have been—it was Colonel French's business to keep track of those [258] messages. He was actually in charge of the message center, at the time.

General FRANK. He was the man immediately in charge?

Colonel SADTLER. That is right; the man immediately in charge of the message center at that time.

General RUSSELL. Is there anything else you might say on that line which would enlighten us on this investigation which we are now making, as indicated by our questions to you?

Colonel SADTLER. As far as that message is concerned, I think there is a presumption of law, isn't there, that a letter mailed is always received at its destination? I think there is less chance of the message being lost, less chance of messages being lost, than of a letter mailed being lost.

General RUSSELL. I believe those are the questions that I had outlined to ask this witness. There may be something else.

General GRUNERT. Are there any other questions?

Is there anything else that you think of along this subject, that you think you ought to unburden yourself on to the Board? Ofttimes there exists something that the witnesses would like to say that they sometimes do not say, because they have not been asked questions.

General FRANK. Or, it may be, they have not been asked the right question.

General GRUNERT. Probably true. And if there is any other information that you could volunteer that might help us, we would be glad to get it.

Colonel SADTLER. No, sir; I don't think of anything, right now.

General GRUNERT. All right.

[259] Colonel SADTLER. I can do a lot of talking, General, on things that I don't know anything about.

General GRUNERT. That is what people usually do.

All right. Thank you, very much.

(The witness was excused, with the usual admonition.)

General GRUNERT. At this time I would like introduce into the secret record a series of communications, the first of which is a letter of September 29, 1944, addressed to the Honorable Henry L. Stimson, Secretary of War, signed by Walter C. Short.

(The letter from Walter C. Short to Hon. Henry L. Stimson, Secretary of War, dated September 29, 1944, is as follows:)

Copy

(Stamped:) SECRET

3141 SOUTHWESTERN BOULEVARD,
Dallas 5, Texas, September 29, 1944.

Honorable HENRY L. STIMSON,
Secretary of War, Washington, D. C.

DEAR MR. SECRETARY: The testimony which was taken before the so-called Roberts Commission and that currently being taken in the hearing now pending before the Army Pearl Harbor Board was recently made available to me. Upon examining these records, to which none of the exhibits have been attached, I fail to find a disclosure of certain vital information which high Washington officials appear to have had prior to December 7, 1941, of the imminence of an attack by the Japanese. Such [260] information was not made available to me in the exercise of my command in the Hawaiian Islands. As I understand that the Army Pearl Harbor Board is now about to complete its hearings and since this important factual data is not included in the testimony of the Board thus far furnished to me, I feel compelled to call this matter to your attention.

From statements in the records of these two hearings, it is to be noted that a knowledge of pertinent facts which are not later disclosed in the record is inferred. This important factual information is essential to a full appraisal of the situation. I specifically refer to the following instances: On pages 318 and 319 of the testimony taken before the Roberts Commission the questions asked by Justice Roberts indicate that as chairman of the commission he was in possession of facts of the utmost importance to this case which pointed to a definite warning of an attack against Pearl Harbor which apparently was known to officials in Washington from certain intercepted Japanese code messages. So far as I have been able to learn these facts are not a part of the record of these hearings.

Again in the testimony of Admiral Kimmel before the Army Pearl Harbor Board (Vol. XVI, page 1811) it is clearly indicated that certain vital information was in the hands of the War and Navy Departments regarding the imminence of an attack, which information was certainly not transmitted to me. The information upon which he based this statement is likewise not a part of the record of the hearings. Without a doubt he would not have made such a statement if he did not have evidence to support it.

[261] It is also respectfully pointed out that General Marshall had some important information on which he relied at the time he sent me the coded telegram (referred to at Vol. IV, page 309, of Pearl Harbor Board testimony) under date of December 7, 1941, which unfortunately did not reach me until seven hours after the attack. The information upon which General Marshall must have relied in sending this message likewise does not appear in the record before the Board thus far furnished me.

The facts upon which these actions and statements were based clearly go to the very essence of the present inquiry. I believe, therefore, you will readily agree that a full and complete disclosure of all the information which was in the hands of Washington officials prior to December 7, 1941, with regard to the imminence of an attack, should be obtained and made a matter of record in the proceedings of the current investigation as they are of the utmost importance in appraising this entire situation.

As the perfecting of the record in this investigation is of course of great importance to me personally, I urge that no steps be left unturned to make a complete investigation of the same, so that all of the evidence concerning this matter is in the record of the hearings of the Board. It is therefore urgently requested that the Board delay the completion of its proceedings until such time as this can be accomplished. In this connection I request also that my counsel be given access to all War Department records which would be pertinent to this matter.

Furthermore, if a thorough investigation of the War [262] Department records by the Board and by my counsel do not disclose the facts and evidence upon which the statements and actions above referred to were made, I request

that an appropriate call be made upon any other source which might have such pertinent information, particularly the Navy Department, and that they be required to furnish and make all such evidence available to the Board and to my counsel.

The War Department has denied my request to have a representative at the Board proceedings and to cross-examine witnesses and therefore unless my requests herein is granted there is no means available to me my which I may be assured that all the pertinent evidence will be made available to the Board and to me.

Sincerely,

/t/ WALTER C. SHORT,
Major General, U. S. Army, Retired.

(Stamped :) SECRET.

General GRUNERT. The next is a letter of October 2, 1944, to Major General Walter C. Short, U. S. A., Retired, signed by Henry L. Stimson, Secretary of War.

(The letter from Henry L. Stimson, Secretary of War, to Major General Walter C. Short, U. S. A., Retired, dated October 2, 1944, is as follows:)

(Stamped :) CONFIDENTIAL.

OCTOBER 2, 1944.

Major General WALTER C. SHORT, USA, Retired,
3141 Southwestern Boulevard,
[263] Dallas 5, Texas.

DEAR GENERAL SHORT: Your letter of 29 September 1944 is being placed in the hands of the Army Pearl Harbor Board.

This Board was appointed by my order to ascertain and report to me the facts relating to the attack upon the Territory of Hawaii on 7 December 1941, and to make such recommendations as it may deem proper. You may therefore rest assured that the Board is exploring all sources of evidence bearing upon the subject.

I am directing General Grunert to permit your Military Counsel to examine its exhibits in the presence of a member of the Board. No copies of these exhibits, however, may be made.

I am also directing that appropriate warnings relating to military security be given to your counsel for the information and guidance of all concerned.

Sincerely yours,

(Stamped) HENRY L. STIMSON,
Secretary of War

(Stamped :) CONFIDENTIAL.

General GRUNERT. The next is a memorandum of October 3, 1944, "WDSCA 201 Short, W. C. (2 Oct. 44)," entitled "Memorandum for General Grunert," from the Deputy Chief of Staff.

(The "Memorandum for General Grunert," from the Deputy Chief of Staff, dated October 3, 1944, is as follows:)

[264] (Stamped :) CONFIDENTIAL.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington 25, D. C., October 3, 1944.

WDSCA 201 Short, W. C. (2 Oct 44)

Memorandum for General Grunert:

Enclosed is a copy of a letter dated September 29, 1944, signed by Major General Walter C. Short, Retired, along with a reply to General Short which has been signed by the Secretary of War.

The Secretary of War directs that these be forwarded for appropriate action by your Board.

/s/ Joseph T. McNarney,
/t/ JOSEPH T. McNARNEY,
Lieutenant General, U. S. Army,
Deputy Chief of Staff.

Enc.

(Stamped :) CONFIDENTIAL.

General GRUNERT. The next is a top-secret letter dated 3 October 1944, to the Deputy Chief of Staff, from the President of the Army Pearl Harbor Board.

(The letter to the Deputy Chief of Staff, U. S. Army, from the President of the Army Pearl Harbor Board, dated 3 October 1944, is as follows:)

(Stamped:) TOP SECRET.

[265]

WAR DEPARTMENT,
HEADQUARTERS ARMY PEARL HARBOR BOARD,
4747 Munitions Building, Washington, 3 October 1944.

SECRET.

Subject: Army Pearl Harbor records.

To: Deputy Chief of Staff, U. S. Army.

1. Reference: Memorandum of October 3, 1944 (WDCSA 201 Short, W. C. (2 Oct. 44) to me as President, Army Pearl Harbor Board, with which you inclose a copy of a letter dated Sept. 29, 1944, from Major General Walter C. Short, retired, along with a copy of the reply thereto by the Secretary of War, and in which it is stated: "The Secretary of War directs that these be forwarded for appropriate action by your Board."

2. The Secretary of War in his reply of October 2, 1944, to General Short, states in part:

"I am directing General Grunert to permit your Military Counsel to examine its exhibits in the presence of a member of the Board. No copies of these exhibits, however, may be made."

"I am also directing that appropriate warnings relating to military security be given to your counsel for the information and guidance of all concerned."

3. In the course of its investigations the Board, only recently, ran across some leads to information pertinent to the issue which when developed resulted in testimony and some exhibits concerning matters which in the past have [266] been and continue to be of the utmost secrecy, the disclosure of which might disrupt and at least seriously delay our war effort.

To guard these secrets and to avoid any possible disclosure thereof by the Board in its basic report and exhibits, the Board informed the Chief of Staff that all testimony and exhibits relating thereto, together with the Board's report thereon, would be placed in a secret supplement (stamped:) TOP SECRET

(Page:)

-2-

to the basic report, and that all stenographic notes would be impounded and filed therewith. Further, from inception to completion such records are known only to members of the Board and to three reporters and not to others connected with the Board and one member of the Board has been specially charged with their safeguarding.

4. In view of the above the Board requests authority to withhold from General Short and his counsel the records referred to, both as to copies of transcripts of testimony and exhibits.

5. It is requested that the decision with reference to the subject matter of this letter be communicated to the Board in writing.

6. *Please expedite.*

For the Board.

[t] GEORGE GRUNERT,
Lt. Gen., U. S. Army, President.

GG/ehp

[267] General GRUNERT. The next is a memorandum of 4 October 1944, to the President of the Army Pearl Harbor Board, from the Deputy Chief of Staff.

(The memorandum for the President of the Army Pearl Harbor Board, from the Deputy Chief of Staff, dated 4 October 1944, is as follows:)

(Stamped:)

CONFIDENTIAL.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington 25, D. C., 4 October 1944.

Memorandum for the President, Army Pearl Harbor Board:

Subject: Army Pearl Harbor Records.

1. In your letter of 3 October 1944, subject "Army Pearl Harbor Records", the Board requested authority to withhold from General Short and his counsel

certain highly secret records. This request in effect asked that the Secretary of War reverse the decision which he made in his reply of October 2, 1944, to General Short, particularly that part of the reply which you quoted in your letter.

2. You are informed that the Secretary of War thoroughly considered this question prior to his reply to General Short and is not disposed to reverse his considered opinion.

3. It is desired, therefore, that the Army Pearl Harbor Board comply with the instructions of the Secretary of War as issued.

[s] Joseph T. McNarney,
[t] JOSEPH T. McNARNEY,
Lieutenant General, U. S. Army,
Deputy Chief of Staff.

(Stamped:) CONFIDENTIAL.

[268] General GRUNERT. The final one is a statement of warning issued to Brig. Gen. Thomas H. Green, Military Counsel for General Short, in compliance with the directive of the Secretary of War, as contained in the last paragraph of his letter of October 2, 1944, to Major General Short, Retired.

(The statement of warning to Brig. Gen. Thomas H. Green, military counsel for General Walter C. Short, is as follows:)

Statement of warning issued to Brig. Gen. Thomas H. Green, Military Counsel for General Short, in compliance with the directive of the Secretary of War as contained in the last paragraph of his letter of October 2, 1944, to Major General Walter C. Short, U. S. A. Retired. (Transcribed on page ----, volume ----, this record.)

General GRUNERT. General Green, I hand you for perusal a copy of the Secretary of War's letter of October 2, 1944, to General Short, the last two paragraphs of which read as follows:

"I am directing General Grunert to permit your Military Counsel to examine its exhibits in the presence of a member of the Board. No copies of these exhibits, however, may be made.

"I am also directing that appropriate warnings relating to military security be given to your counsel for the information and guidance of all concerned."

In my capacity as President of the Board I wrote the Deputy Chief of Staff in effect to ascertain whether this directive of the Secretary of War included the Board's top-secret file. He replied in effect that it did.

[269] So I now inform you concerning this file.

The Board has taken testimony and has some exhibits which deal with ultra-secret matters. These are in a separate file and record.

I explain to you briefly that the matters so considered as top secret are of the utmost value to the United Nations' war effort. Any disclosure concerning them or even a suggestion of their existence may cause a serious disruption of the war effort and at the least may delay the winning of the war for many months.

These secrets pertain primarily to the breaking of the enemy codes and ciphers and intercepts thereof of which the enemy does not appear to have knowledge and which are daily in use and which periodically result in victories for our side. They are as vital now as in 1941.

But very few persons have this knowledge, which is most zealously guarded, and every additional admission to the group having such knowledge adds to the danger of leaks.

This is the "warning" which applies to the paragraph referred to in the Secretary's letter. In addition thereto I warn you regarding the necessity of safeguarding other secret information which you may glean from the files of other exhibits.

A strict interpretation of the authority granted by the Secretary of War in his letter of October 4, 1944, to General Short limits this authority only to you as General Short's Military Counsel. While I realize that you may desire to communicate with General Short on information gleaned, I must caution you that General Short has not been granted the [270] authority to know what has been disclosed to you in this warning to you nor to be informed of what you glean by an examination of the secret records and files. If such authority is desired I can only refer you to the Secretary of War.

Now do you solemnly swear that you have been appropriately warned relating to the military security concerning these matters. So help you God. If so, please sign this statement.

Done at Washington, D. C., this 5th day of October, 1944, and signed in the presence of the co-signed, Lieutenant General George Grunert, President Army Pearl Harbor Board.

/s/ Thomas H. Green,
/t/ THOMAS H. GREEN,
Brigadier General, U. S. Army,
Military Counsel for General Short.

/s/ George Grunert,
/t/ GEORGE GRUNERT,
Lieutenant General, U. S. Army,
President, Army Pearl Harbor Board.

(Brief recess.)

[271] **TESTIMONY OF LT. COL. ERNEST W. GIBSON, GENERAL STAFF CORPS; M. I. S., G-2, PENTAGON BUILDING, WASHINGTON, D. C.**

(The witness was sworn by the Recorder and advised of his rights under Article of War 24.)

Colonel WEST. Colonel, will you please state to the Board your name, rank, organization, and station?

Colonel GIBSON. Ernest W. Gibson, Serial No. 0175884, Lieutenant Colonel, General Staff Corps; at present on duty in M. I. S., in G-2, Pentagon Building, Washington.

General GRUNERT. Colonel, in this particular part of developing just a few points in our investigation, General Russell will propound the questions, and the other members of the Board will ask such as may occur to them.

Colonel GIBSON. Yes, sir.

General GRUNERT. General Russell.

General RUSSELL. Colonel, within the past few days have you been given a special assignment by G-2 to develop certain information relating to the Japanese-American relations in the year 1941?

Colonel GIBSON. Yes, sir.

General RUSSELL. Have you examined the files of G-2 for the purpose of developing that information?

Colonel GIBSON. I have examined some of the files of G-2; I should hate to say I had examined them all, because they are pretty well spread around, but I have made or caused to be made a rather extensive search of the files.

General RUSSELL. Have you had a conference with me, or conferences with me, in the last two or three days for the purpose of giving to me the benefit of that search and aiding [272] me in selecting from that the data which I thought should be brought to the attention of the Board?

Colonel GIBSON. Yes, sir. Day before yesterday, in the first instance, and yesterday a rather lengthy conference in which certain lines of evidence were indicated to be desired, and we agreed on what you would like to have, and I went to work to get it together for you.

General RUSSELL. You did have copies furnished of the information which I requested, and have delivered those copies to me?

Colonel GIBSON. Yes, sir. You delivered two letters yesterday that were for the approval of General McNarney, and the material requested by you in those two letters, save for an analysis that Colonel Clarke and myself are in the process of making, has been delivered to you.

General RUSSELL. Is it your expectation to deliver us that analysis as soon as it is completed by you and Colonel Clarke?

Colonel GIBSON. Yes.

General RUSSELL. Specifically, Colonel, I made a request about the existence in the files of the G-2 section of a message which is referred to at times as the implementing "Wind" message.

Colonel GIBSON. Yes.

General RUSSELL. Would you please state for the record whether or not you made a search for such implementing message in the records of G-2?

Colonel GIBSON. Sir, we made an exhaustive search. When the "Winds" message so-called was first received by G-2, the [273] records indicate that the F. C. C. was asked to monitor for that message; and shortly thereafter, early in December, I think the second—my memory may be faulty, but I think it was the second—the Army Signal Corps itself started to monitor for the "Winds" implement message, and there is absolutely no record or absolutely no evidence of any kind to indicate that either the Army Signal Corps or the F. C. C. received an implementing message to the "Winds" message prior to the instant of the attack on Pearl Harbor.

General RUSSELL. Thank you.

Before we go to the second request, do you want to ask him on this?

General FRANK. No.

Colonel GIBSON. I might go on further on that same line. There is no record either, of any shape, that the Army G-2 or the Army Signal Intelligence, which was then working very closely with Naval Communications, ever received from the Navy any implementing message. That is, in the ordinary course of procedure at that time the Navy furnished the Army copies of messages, and they were numbered. There are no missing numbers; there is nothing to indicate that any such thing was ever furnished the Army by the Navy.

General RUSSELL. Go to another message.

General FRANK. Just a minute. Is there anything to indicate that there was any message sent over there by the F. C. C.?

Colonel GIBSON. There were certain messages sent by the F. C. C., General, but they were not, upon analysis, implements of the "Winds" message. They were—I believe on two occasions the F. C. C. sent over messages that they had intercepted, but [274] they were not in the "Winds" code, when analyzed. And so my answer to you is: No, there was nothing ever received by the War Department from the F. C. C. prior to Pearl Harbor which was an implementation of that "Winds" message.

General RUSSELL. Well, Colonel, in order that this may be general and all-inclusive, I will ask you whether or not in your search you have discovered any record at all in the office of G-2 which might be construed as implementing the "Winds" message.

Colonel GIBSON. Absolutely none.

General RUSSELL. Now, there was a second message to which attention of G-2 was directed, that related to information on the presence in the Mandated Islands at some time shortly before December 7, '41, of a Japanese task force in which were aircraft carriers. Did you make a search for a record of that sort of information in G-2?

Colonel GIBSON. Yes, sir. There is a record of a document prepared by the A. C. of S. G-2 for the Chief of Staff based on information furnished by O. N. I. of the Naval Department, which indicates some naval concentrations in the Marshalls and at certain other areas as well.

General RUSSELL. Does that memorandum to the Chief of Staff indicate aircraft carriers in that task force or in that assembly of naval strength in the Marshalls?

Colonel GIBSON. May I look at this book to refresh my recollection? I am not sure whether it does or not. I am not even sure that this is in there. Yes, here it is.

No. The answer is "No."

General RUSSELL. "No." All right. Thank you.

[275] Colonel GIBSON. I might say, searching the records for that information, most of that information came to O. N. I. from the—in fact, all of it from the 14th Naval District, which is at Hawaii.

General RUSSELL. I have no further questions of the Colonel.

General FRANK. There is information available that there was an implementing message flashed by the Japanese. Are you conversant with the fact that such information exists?

Colonel GIBSON. I have got it second-hand, General, from sundry reports in the Navy Department, that such did exist. I have no first-hand knowledge of it; no, sir.

General FRANK. Do I understand that you are making an investigation, a survey, on the messages that were passed along about the time war was declared?

Colonel GIBSON. We are making, for G-2's own purposes, studies for future use and analysis of the sources that were available to G-2 between October 1, '41, and Pearl Harbor, what those sources revealed, what dissemination or use was made of the information revealed from those sources.

General FRANK. Well, the facts seem to be, from testimony before the Board, that Admiral Noyes received a report with respect to the reception of an implementing message. Do you have that information?

Colonel GIBSON. Yes, sir; I have heard—I have it second-hand; yes, sir. I have a story from the Navy that is entirely second-hand, sir. I am perfectly willing—

General FRANK. Now, another thing: There was an arrangement through which the Army received a copy of every [276] message—they were supposed to receive a copy of every message pertaining to this situation that was received by the Navy, and the Army sent to the Navy a copy of every message pertaining to this situation that was received by the Army.

Colonel GIBSON. Yes, sir. We have searched the numbers very thoroughly to see if there is anything missing, and, General, there isn't.

General FRANK. Therefore, the only information available seems to be verbal information on the memory of the people who are here who were concerned with that at the time?

Colonel GIBSON. Yes, sir.

General FRANK. Is that correct?

Colonel GIBSON. Yes, sir. And the only information I have been able in my investigation to dig up is information that Colonel Sadtler

and Colonel Bratton have testified—and I assume they have testified here—except I have a story from the Navy Department.

General FRANK. What is that?

Colonel GIBSON. It is hearsay.

General FRANK. Well, that is all right. Let us have it as hearsay, then.

Colonel GIBSON. The story is, as it was told to me, that an implementing message did come in the night of 3-4 December to the Navy Department, was picked up by a naval station on the East Coast; that on seeing it either Commander McCullom, who was in O. N. I. at the time, or Admiral Wilkinson became greatly disturbed and drafted a serious warning message of about 500-word length; that Admiral Wilkinson took that message to Admiral Noyes, and Noyes said, in substance, "They [277] have been alerted enough," and disapproved sending that. Wilkinson disagreed with him thoroughly and said, "It ought to be sent, and I am going higher." And he left Admiral Noyes' office and went to either Admiral Stark or Admiral Ingersoll and whatever happened after that I don't know, I didn't get, but the message apparently was never sent.

General FRANK. But so far as any written, typewritten, or printed record is concerned, there is absolutely nothing existing that can be located on this subject?

Colonel GIBSON. As far as I know. And I assure you we have made a very careful search. I can even give you a written certificate of the search that we had made in certain places.

General GRUNERT. And your search indicated to you, because of the lack of any missing numbered files, that probably that message, if there was such a message, had never been received by G-2?

Colonel GIBSON. That is what it indicated to me, sir. Yes, sir.

General GRUNERT. Are there any other questions? (No response.)

Do you think of anything else that you might want to tell the Board?

Colonel GIBSON. No, sir.

General GRUNERT. Thank you very much.

Colonel GIBSON. I wasn't here at the time, thank goodness.

(The witness was excused, with the usual admonition.)

[278] **TESTIMONY OF COLONEL RUFUS BRATTON, 03726, INFANTRY, HEADQUARTERS COMMANDANT, COMMANDING OFFICER, SPECIAL TROOPS, HEADQUARTERS, THIRD ARMY, E. T. O.—**
Resumed

Colonel WEST. As Colonel Bratton, the witness, has appeared before the Board before and already been sworn, it will not be necessary to swear him again, but the witness is reminded he is still under oath.

Colonel BRATTON. Yes, sir.

General GRUNERT. Colonel, I shall let General Russell go ahead on his particular subject to be developed for this hearing.

General RUSSELL. Colonel, you were here and testified before the Board on the 30th of September rather fully, and a number of details were cleared up in that testimony as to your relation to things which I shall not go over again today. I do want to place in the record now, for emphasis, if it is necessary, just what your specialties were with

respect to the relations between Japan and America in the fall of 1941.

Colonel BRATTON. I was the Chief of the Far Eastern Section of the Intelligence Branch of War Department G-2.

General RUSSELL. Before we ask you some general questions, Colonel, I want to ask you whether or not, since your former appearance before this Board September 30, 1944, you have studied the records of G-2 and have found some data that you did not have when you were here before.

Colonel BRATTON. Yes, sir. I should like to say at this time that all this happened three years ago, and my memory as to my actions and reactions to any specific paper or [279] incident may not be as clear and accurate as it should be, but I have found that in going through certain files and records in G-2 my memory has been refreshed on a number of incidents through the discovery of documents that I had forgotten about, and I have a number of such documents here this morning to present to the Board.

General RUSSELL. Now, Colonel, there are two messages that I want to talk to you about. I first want to ask you whether or not since refreshing your memory and since the further study of the records of G-2 you desire to change in any way or add to your discussion of what is known as the "Wind" implementing message which is alleged to have been in existence on or about the 4th or 5th of December, '41.

Colonel BRATTON. Yes, sir. When I last appeared before the Board I was somewhat puzzled by what I considered at that time an over-emphasis placed by the Board on two messages. One was the implementation of the winds-weather code. The other was this 14-part ultimatum. I was considerably puzzled at the time by the insistence of the Board that these were vitally important documents, and I had the feeling that there was something missing, that they had no longer the significance after the 3rd of December, in my mind, that the Board attributed to them. I find, I think I know now why I had this feeling.

A search of the files in G-2 as of the day before yesterday and yesterday brought to light a carbon copy of a chronologically arranged series of extracts from intercepted Japanese communications which I prepared sometime after Pearl Harbor for the Chief of Staff. In glancing through this document I find that there was a message which I had forgotten [280] when I appeared before you last: dispatch from Tokyo on the 2nd of December, to the Japanese Ambassador in Washington. It was interpreted, or rather it was translated on the 3rd and presumably placed in my hands on that date.

General FRANK. During what month?

General RUSSELL. December 3, 1941, Colonel?

Colonel BRATTON. December 1941, sir. And it is listed here on my paper as S. I. S. 25640, and the extract that I have on this paper reads as follows:

(Extract from message of December 2, 1941, Tokyo to Japanese Ambassador in Washington, is as follows:)

Among the telegraphic codes with which your office is equipped burn those now being used in connection with the machine. Burn every old code. Stop at once using the machine and destroy it completely. Burn all the codes Kosaka brought you.

After the receipt of this translation any further intercepts that were brought to me would simply contribute toward the climax that I saw coming. This was it.

General RUSSELL. The construction which you placed on that message, in your official capacity, was that it meant war?

Colonel BRATTON. Yes, sir.

General RUSSELL. Colonel, there has been evidence before the Board—and I address myself again to the implementing “Winds” message, for purposes—there has been evidence before the Board of a rather extensive search through the records of [281] G-2, the War Department, to locate, if possible, some written documents or some written data relating to that implementing message. Do you know anything of that search?

Colonel BRATTON. I know that the search was made, sir, at my insistence, and I know that it has been unsuccessful. They have not found any such message has come through the Army communication system or the F. C. C.

General RUSSELL. Or any other. Now, you were called into General Miles’ office to discuss the information which had reached the War Department from the Navy Department relating to this “Wind” implementing message, were you not?

Colonel BRATTON. I have a vague recollection of meeting Colonel Sadtler in General Miles’ office, I think on the morning of the 5th of December, sir.

General RUSSELL. Yes. I am re-asking you that; it is in your evidence already, but for emphasis, and I will go away from it now.

Now, a message about which some evidence has been given, but the actual message itself is before the Board now for the first time. I am going to show you this message and ask you to identify it, and after you have identified it I shall ask you some other questions in connection with it.

Colonel BRATTON. Yes, sir; I am familiar with this message. I wrote it.

General RUSSELL. You wrote that message?

Colonel BRATTON. Yes, sir.

General RUSSELL. For the purpose of identification of the message which the witness has just stated that he wrote, it is a secret cablegram signed “Miles,” addressed to the [282] Assistant Chief of Staff, Headquarters G-2, Hawaiian Department. It is numbered 519 and directs G-2 of the Hawaiian Department to contact Commander Rochefort of the Navy. It is dated December 5, 1941. A photostatic copy of the message is brought to the Board in two parts, one part showing the front of the message, the other part showing the back of the message. On the back of the message is entered, “1941, December 5, a. m. 11:47.”

Now, Colonel, in connection with your further investigation to determine the facts and circumstances surrounding the sending of this message of December 5th which we have just discussed, to G-2 of the Hawaiian Department, have you discovered any confirmation of that secret cablegram?

Colonel BRATTON. Yes, sir.

General RUSSELL. Would you tell the Board what it is, and read it into the record for us, please?

Colonel BRATTON. I find in the G-2 files a paraphrase of this message bearing the stamp, “Mailed G-2 WDGS December 5, 1941. Our No. 32.”

General RUSSELL. Will you now read what was said in that confirming letter?

Colonel BRATTON. This, as I say, is a paraphrase of the actual message. It is addressed to the Assistant Chief of Staff, Headquarters G-2, Hawaiian Department, Honolulu Territory. It is No. 519, sent out December 5, 1941, and it reads as follows:

[283] (Paraphrase of message dated December 5, 1941, to Assistant Chief of Staff, Headquarters G-2, Hawaiian Department, is as follows:)

Commander Rochefort, who can be located through the 14th Naval District, has some information on Japanese broadcasts in which weather reports are mentioned that you must obtain. Contact him at once.

General RUSSELL. Colonel, I want to ask you why it came to pass that this message was sent from G-2 of the War Department to G-2 of the Hawaiian Department, and not from some agency of the War Department to the Commanding General of the Hawaiian Department.

Colonel BRATTON. Upon receipt of the translated intercept which I have read, S. I. S. No. 25640, I took copies of this intercept to General Miles and to General Gerow and discussed it at some length with both of them. I had a feeling that further warnings or alerts should be sent out to our overseas commands. General Gerow felt that sufficient warning had been sent out. General Miles felt that he couldn't go over General Gerow's decision to send no additional warning, because of a policy which was then in effect that War Department G-2 would send out no intelligence to the G-2s of tactical commands or overseas departments which might produce an operational reaction, without the complete concurrence of the War Plans Division.

I still felt uneasy about this thing and went over to the Navy where I had a conference with Commander McCullum, the head of the Far Eastern Section in O. N. I. He felt as I did, that further warnings should be sent out, and said that he [284] was going to write one up and try to get the Chief of Naval Operations to dispatch it.

I discovered from Commander McCullum that their S. I. S. man in Honolulu, a Commander Rochefort, knew everything that we did about this, had all the information that we had, and was listening for this Japanese winds-weather broadcast. He suggested that as a way out of our difficulty I instruct our G-2 in Hawaii to go to Rochefort at once and have a talk with him, as in a short period of time Rochefort could tell Colonel Fielder, our G-2, exactly what was going on and what we knew.

I managed to get General Miles to O. K. this message to G-2 in Hawaii because he and I both thought that we could get that message out without violating any of the policies that were then in effect about getting concurrences from OPD.

I also had a message sent to the Canal Zone on the night of the 5th, to the G-2 out there. I had forgotten about this message until I found it in the file this morning. The document that I lay before you now is in the files of G-2. It is a paraphrase of an outgoing message, No. 512, sent December 5, 1941, to G-2, Panama Canal Department. It reads as follows:

[285] (Message dated December 5, 1941, to G-2, Panama Canal Department, is as follows:)

In the event severance of diplomatic relations is near, this office will notify you. Japanese-U. S. relations are now very difficult.

Signed, "Miles"

This paper bears the stamp, "Mailed G-2 WDGS December 5, 1941," and it has our number 86 on it, I think.

I can't find the message in the files, but I am morally certain that a similar message went to Manila. So that in any case Manila, Hawaii, and Panama had been alerted by us on the 5th.

[286] General RUSSELL. Colonel, this action on the 5th, the message to G-2, Hawaiian Department, and the message to the Panama Canal Zone, resulted from the code-destruction message of December 3, and the conversations about the "wind" implementing message of December 5, is that true?

Colonel BRATTON. To the best of my recollection and belief they were the results of my receipt of this order to the Japanese ambassador to destroy his code and his machine.

General RUSSELL. In your message to G-2 of the Hawaiian Department you make a reference to a "weather" reference—"broadcast reference weather"?

Colonel BRATTON. Yes, sir.

General RUSSELL. So apparently, when you said that, you had in mind not only the destruction of the machines in Washington but also the possibility of the implementing "weather" messages, is that true?

Colonel BRATTON. Yes, sir. As you see, I had been told by Commander McCullum that Commander Rochefort had the same intercepts that we had, and this was just a device on my part to bring Fielder and Rochefort together.

General FRANK. After you had been prevented from sending a warning message, by Gerow?

Colonel BRATTON. I couldn't get it out any other way.

General RUSSELL. Colonel, I want to clarify another message of his.

Colonel BRATTON. General, may I interrupt you just a moment, sir? I am not quite through with the 5th, yet. There is another action that I took, that I did not bring out, yet.

General RUSSELL. All right, go ahead. We will come back [287] to November 3. We will date back.

Colonel BRATTON. On December 3, I also sent the military attache in Tokyo instructions to destroy his codes and ciphers. I find confirmation of this fact in the files of G-2, in the paraphrase of an outgoing message, No. 40, sent December 3, 1941, addressed to the military attache, American Embassy, Tokyo, Japan, reading as follows: (Message, Dec. 3, 1941. Col. Bratton to Attaché, Tokyo:)

Memorize emergency key word No. 2 for use of SIGNUD without, repeat without, indicators. Destroy document STOP SIGNNQ SIGPAP and SIGNDT should be retained and used for all communications except as last resort. When these documents should be destroyed and memorized SIGNUD used STOP Destroy all other War Department ciphers and codes at once and notify by code word BINAB STOP Early rupture of diplomatic relations with Japan has been indicated. State Department informed. You may advise ambassador.

A similar message was sent to the military attache in Peiping, China, on December 3, and information thereof given to our military observers in Hong Kong and Chunking.

General RUSSELL. Colonel, when you finish this period, December 5, I want to go back to this information which was sent to the Hawaiian Department on November 3, 1941. Are you through now with your November?

Colonel BRATTON. Yes, sir.

General RUSSELL. I have here, Colonel, a memorandum dated November 3, 1941:

"Subject: Information Received from the Orient.

"Distribution: All Corps areas, all Departments, Alaska, FBI, ONI, State."

[288] What is meant by "State"—State Department?

Colonel BRATTON. State Department, sir.

General RUSSELL. The last item of the distribution list is "File." To that was attached, when it was delivered to me by G-2, the letter of transmittal:

Subject: Letter of transmittal.

That is dated November 5, 1941, to Assistant Chief of Staff, G-2, Headquarters, Hawaiian Department; the letter of transmittal being in the following language:

(The letter of transmittal, dated November 5, 1941, from Brig. Gen. Sherman Miles to the Assistant Chief of Staff, G-2, Headquarters, Hawaiian Department, is as follows:)

(Photostat) (Stamped:) TOP SECRET
MID 336 (11-3-41 w. Dept.

G2/
WAH
/s/ WAH

(Notations on right margin:) 53 MID 336. 11-5-41 (11-3-41)

(Pencil number in lower right-hand corner:) 16

(Stamped:) CONFIDENTIAL

(Typed:) CONFIDENTIAL

WAR DEPARTMENT,
WAR DEPARTMENT GENERAL STAFF,
MILITARY INTELLIGENCE DIVISION, G-2,
Washington, D. C., November 5, 1941.

Subject: Letter of transmittal.

To: Assistant Chief of Staff, G-2, Headquarters, Hawaiian Department

The attached communications are forwarded for your information and such action as you consider advisable.

/s/ Sherman Miles

/t/ SHERMAN MILES,

Brigadier General, U. S. Army.

Acting Assistant Chief of Staff, G-2.

[289]

1 Enclosures:

336. (11-3-41)—MID Summ. of Info. re Information received from the Orient:
dtd. FMH

(Stamped:) MAILED g/2 W**S. NOV 5 1941

Reg #910405

(Stamped:) RECORD SECTION COPY

1b

(Stamped:) CONFIDENTIAL

(Stamped:) TOP SECRET

General RUSSELL. The summary of information being in the following language, in symbols, to-wit:

(The summary of Information, dated November 3, 1941, is as follows :

(Photostat) (Stamped:) TOP SECRET

MID 336. 11-3-41

G2/C**

/t/ FMH

(initialed) P

(Notations on right margin) : 53) MID 336. 11-3-41

(Stamped:) RECEIVED BACK BY RECORD SECTION NOV 6 1941

CONFIDENTIAL

WAR DEPARTMENT

M. I. D.

NOVEMBER 3, 1941.

(Date)

Subject : Information Received from the Orient.

SUMMARY OF INFORMATION

The following information received from the Orient, dated August 26, 1941, is considered reliable :

[290] 1. Mr. HIROTA, a presiding officer at directors' meeting of the Black Dragon Society, told of an order issued by War Minister TOJO (now Premier) "to complete full preparation to meet any emergency with United States in the Pacific. All guns to be mounted in the islands of the Pacific under Japanese mandate. The full preparation to be completed in November."

2. HIROTA and others are said to have stated: "War with United States would best begin in December or in February."

3. "Very soon," they say, "the Cabinet will be changed. The new Cabinet would likely start war within sixty days."

G2 Note: Full name of individual mentioned above is KOKI HIROTA, who is reported to be a member of the House of Peers, former Premier of Japan and Director of the Bureau of Intelligence, U. S. Section.

Distribution :

All Corps Areas

All Departments

Alaska

FBI

ONI

State

File (checked)

(Pen and ink notation:) Source : Dr. Cho

Date of original paper 10-28-41

I. B. COGNIZANT (initials illegible)

[291]

Evaluation

—of course

—of information

x Reliable
Credible x
Questionable
Undetermined

(Stamped:) INITIAL FOR FILE

(Initialed, but illegible)

pms

CONFIDENTIAL

(Stamped:) TOP SECRET

(Stamped:) RECORD SECTION

(in pencil) 17

General RUSSELL. I will ask you if that was given to me from the files of G-2, and if you have seen it before this morning?

Colonel BRATTON. Yes, sir. I can identify this as a photostat of the document in the files of G-2. I have seen it, prior to this morning.

Colonel TOULMIN. You mean you have seen the original document prior to this morning?

Colonel BRATTON. Yes—the original document of which, I have seen prior to this date.

General RUSSELL. I have here one other letter which relates to the Hawaiian Department—and I am questioning you particularly about the Hawaiian Department, now. This is a letter which purports to have been written by Kendall J. Fielder, Lieutenant Colonel of Infantry, Acting Assistant [292] Chief of Staff, G-2; subject, "Summaries of Information." It is dated 6 September 1941, and is addressed to the War Department General Staff, Military Intelligence Division G-2, Washington, D. C. The stamp indicates that it was received by G-2 September 17, 1941, and I will read it into the record. I believe I will introduce it as an exhibit, later.

(The letter from Kendall J. Fielder to War Department General Staff, dated September 1941, is as follows:)

(Photostat) (Stamped:) TOP SECRET
(Initials, some illegible:) B KKK McC P
(Notations on right margin:) (13) MID 350.05 (9-6-41)

CONFIDENTIAL

Headquarters Hawaiian Department,
Office of the Assistant Chief of Staff, for
Military Intelligence,
Fort Shafter, T. H., 6 September 1941.

In reply refer to:
350.05 (G-2)

Subject: Summaries of Information.

To: War Department General Staff,
Military Intelligence Division G-2, Washington, D. C.

(Stamped): REC'D—G-2 SEP 17 1941

1. It has been noted that many of the Summaries of Information received from your office originate with Office Naval Intelligence, 14th Naval District and have already been furnished this office by the Navy.

2. The cooperation and contact between Office Naval Intelligence, Federal Bureau of Investigation, and the [293] Military Intelligence Division, in this Department, is most complete and all such data is received simultaneous with the dispatch of information to the respective Washington offices.

3. Inasmuch as such advices are received in duplicate and unless there are other reasons to the contrary it is recommended that such notices from your Office be discontinued in order to avoid the duplication of effort.

/s/ Kendall J. Fielder

/t/ KENDALL J. FIELDER,

*Lieut. Colonel, Inf.,
Acting A. C. of S., G-2.*

1159

File:

(signature illegible)

18

CONFIDENTIAL

General RUSSELL. Did you see the original of that in the office of G-2 of the War Department at any time, Colonel?

Colonel BRATTON. Yes, sir; I have seen the original of this in the files.

General RUSSELL. So much for specific messages, Colonel.

Now, there have been furnished to this Board not only the messages and letters about which I have interrogated you in the past few

minutes, and not only the secret summary of Far Eastern documents, which was identified by you on the occasion of your last appearance before this Board, 3 October 1944; but there have been furnished to the Board from the same source approximately 45, maybe 46, other messages, which I have not discussed with you in detail, and which I will not read to you at this time.

Now, Colonel, in connection with my investigation of these G-2 records, in the last two or three days, I prepared letters which were submitted to the Chief of Staff over the signature of the President of this Board, General Grunert, in which I requested in addition to the messages which you have just discussed with me a number of other messages, some 45 in number, all of which have been delivered to us and are now in our possession.

I also asked for a memorandum for the Chief of Staff, dated September 2, 1941, subject, "Conversation between the military attache and the Chief, Far Eastern Section." Have you got that with you?

Colonel BRATTON. Yes, sir.

General RUSSELL. Would you make that available to the Board at this time, and read it into the record?

Colonel BRATTON. This is the original document, dated September 2, 1941:

(The memorandum dated September 2, 1941, for the Chief of Staff, relative to "Conversation Between Military Attache and the Chief, Far Eastern Section," is as follows:)

Memorandum for the Chief of Staff:

Subject: Conversation between the Japanese military attache and the Chief of the Far Eastern Section.

Coincident with the Japanese Ambassador's call on the President on the morning of August 28, 1941, Maj. Gen. Saburo Isoda, Japanese military attache, called by appointment on Colonel R. S. Bratton, Chief of the Far Eastern Section, Intelligence Branch, this division. The following [295] are notes of Colonel Bratton on the visit:

"I have known General Isoda and been associated with him under various circumstances for 18 years. In consequence our conversation was friendly, informal, and entirely off the record. General Isoda stated that, like the ambassador, he was exploring ways and means to relieve the Japanese-United States tension and bring about better relations between the two countries.

"During the course of a conversation which lasted for an hour and a half, General Isoda made statements to the following effect:

"a. Due to restrictions imposed by our Export Control, the Japanese have begun to use a portion of their war reserve of petroleum.

"b. He, the naval attache, the ambassador, and the entire embassy staff are in accord in an earnest desire to better United States-Japanese relations.

"c. Japan made a great mistake in joining the Axis.

"d. The Army frequently gets out from under control of the civilian government and has to be restrained by imperial command.

"e."

This is the important paragraph:

"e. Japan has her back to the wall. She can be pushed just so far, then will have to fight us to save her national honor and integrity, though war with the United States is the last thing desired by Japan."

[296] Now, begin my quotation again:

"When asked flatly my opinion as to what assurances on the part of Japan would be acceptable to the United States Government at this time, I told him that Prince Konoye (then premier of Japan) if he comes to talk with the President must come with imperial sanction and armed with authority to speak for and on behalf of the armed forces of Japan, as well as on behalf of the civilian government. I said that in my opinion nothing short of this would be productive of lasting results or be acceptable to the President. General Isoda received this statement of opinion on my part with entire good will, expressed

his pleasure over the opportunity of having a frank talk, and stated his desire to have other and more frequent talks in the future. I in turn assured him that I would be glad to meet him in a private and unofficial capacity at any time."

2. General Isoda's visit clearly parallels the conversations now in progress between the Japanese ambassador and the State Department. In effect he speaks for the Japanese embassy, the entire staff of which is sincerely working for the betterment of Japanese-American relations. He obviously did not feel empowered to speak for the Japanese Army.

[S] SHERMAN MILES,
Brigadier General, U. S. Army.
Acting Assistant Chief of Staff, G-2.

Distribution: Secretary of War, Chief of Staff, War Plans Division, Office of Naval Intelligence.

[297] General RUSSELL. Colonel, a great deal of documentary evidence has been submitted to this Board within the past two or three days by the G-2 section of the General Staff of the War Department, all of which documentary evidence relates to the negotiations between the American and Japanese Governments, and the general situation in the Pacific in the year 1941. The data which have come to our attention indicate that the G-2 section of the War Department, in the fall of 1941, did have in its possession a great deal of information touching the relations between the Japanese government and the American Government. The question now is what actions were taken on this information, including the dissemination of the information, as to whom it was sent, the compilation of estimates based on such information, and so forth.

Colonel BRATTON. All the information that we had was presented in one form or another to the policy-making and planning agencies of the Government.

General RUSSELL. Would you please define them or name them at this time?

Colonel BRATTON. The officials to whom I refer include the President, the Secretary of State, the Secretary of War, the Chief of Staff, and the Chief of the War Plans Division. In most instances, copies of our intelligence, in whatever form it was presented, were sent to the office of Naval Intelligence, to keep them abreast of our trend of thought.

As to the intercepts, and in translations of Japanese intercepts, they were handled in a special way, which I think should be stated at this time. In 1941, certainly in the latter part of it, I was the custodian and the disseminator of this type [298] of intelligence. In previous years, I had used these translated intercepts as the bases for memoranda to the Chief of Staff, the Secretary of State, the Chief of the War Plans Division, or whatever person I considered most interested in the contents of the original document; but in the latter part of 1941 the system that we were following, by order of the Chief of Staff, was as follows:

The translations, made either in the Signal Corps SIS section or in the corresponding section of Naval Communications, were sent to me in sextuplet, six copies of each one. Out of the mass of material that came to my desk in this form, say 10 to 20 percent was of intelligence value; the remainder dealt with administrative or personal matters, at the embassy, or dealt with requests and requisitions for stationery or this, that, or the other thing, and that material I de-

stroyed by burning. The remaining "flimsies" containing military intelligence of value to our Government officials was arranged in card-board folders, which in turn were placed in locked dispatch cases, one for the Secretary of State, one for the Secretary of War, one for the Chief of Staff, one for the ACofS, G-2, and one for the ACofS, WPD.

I delivered these pouches in person to the officers concerned, who had keys to the pouches. In the case of the Chief of Staff, he frequently was not in his office; in which case I left the pouch with one of his secretaries, generally the head secretary, who at that time was Colonel Bedell Smith.

Toward the latter part of November, or in November and December 1941, these translated intercepts were of such value and importance that it was my practice in each case to remind [299] the secretary, General Staff, that these were important documents and should be shown to the Chief of Staff without any delay.

General FRANK. And that secretary was Colonel Bedell Smith?

Colonel BRATTON. He had a number of secretaries in there. There was Major Max Taylor, Colonel Bedell Smith, Colonel Sexton, and one or two others, but at that time Colonel Smith was the senior secretary. I dealt with him whenever possible. On numerous occasions I would go to the Chief of the War Plans Division and to the ACofS G-2, and stand by while they read the contents of these folders, in case they wished to question me about any of them. And I had an arrangement with Colonel Smith, the Secretary of the General Staff, as to how he could get me on the telephone at any time in case the Chief of Staff wished to be briefed on any of them.

The folder which went to the Secretary of State I delivered in person to his confidential secretary, and obtained a receipt therefor. I collected all of these pouches on my next visit, or on my next round the following day, and destroyed the contents of them by burning, and retaining in my file a complete copy of everything that had been seen by all of these officials.

At this time the Navy was serving the President; that is, they took a locked pouch over there and gave it to the naval aide to the President, who in turn would take the contents of the pouch into the President, see that he read it, bring it back out, and return the book to the Navy.

During this period the President, the Secretary of State, the Secretary of War, the Chief, the ACofS G-2, and the Chief of the War Plans Division all saw the same material, they all [300] read the same translations, as fast as I could get them to them.

General RUSSELL. Does that plan of dissemination apply, Colonel, to this collection of photostatic messages which have been delivered to the Board by ACofS G-2's office at the War Department?

Colonel BRATTON. It does, sir; in every case.

General RUSSELL. Prior to making this last answer, you had taken the photostatic copies of these, some 45 messages, out and looked at them, is that true?

Colonel BRATTON. Yes, sir.

General RUSSELL. Now, Colonel, you have testified about the distribution which you made on these messages and related data which were described in the question. I am going to ask you whether or not any estimates were made on this information and sent to any-

one, in the nature of summaries, or reports, with expressions as to the attention that should be given to such data, indicating any probable Japanese action.

Colonel BRATTON. Yes, sir; we always used this material, sometimes separately, as the base of a special memorandum or staff study, but always in our over-all strategic estimates and studies there was incorporated therein the knowledge that we had secured therefrom.

General RUSSELL. I will ask you if on yesterday, 5 October 1944, in an office of the G-2 section in the Pentagon building, you exhibited to me a number of folders, possibly a dozen in number, in which you stated that copies of such documents as I have just asked you about were contained?

Colonel BRATTON. Yes, sir. These volumes that I showed you yesterday are G-2's file of what at that time were known as [301] "intelligence bulletins," and they run in number from one on up into the hundreds. Some of these bulletins, but by no means all of them, have been extracted and are incorporated in the summary of Far Eastern documents which you have before you.

There are many others, however, which I feel would be of interest to the Board, as indicating the trend of thought in G-2 as to the possibilities of war with Japan. As an illustration of the contents of these documents, not incorporated in the summary, I cite two instances: IB No. 20, which is a memorandum for ACofS WPD, dated January 27, 1941, which gives G-2's estimate of Japan's intentions with respect to Alaska and the Aleutians. G-2 therein informed WPD that in its opinion if we did not occupy and hold the outer Aleutians, the Japanese would, upon the outbreak of hostilities. WPD took no action upon our estimate and recommendation, with the result that we later had to fight two costly campaigns to regain Attu and Kiska.

As another illustration, IB 48, dated March 19, 1941, a memorandum for the Chief of Staff, informed him that strong pressure was being put on Japan by Germany to cause her to attack Britain in Asia, with the ultimate intention of involving us in a declaration of war. This came right out of the intercepts. The intercept was the basis for this, and G-2 went on to recommend that the Department Commander in the Philippine Department, General Grunert, at that time, be designated Commander-in-Chief of the U. S. Army forces in the Far East, with a temporary rank of Lieutenant General, as a means of improving civilian morale in the Philippines and enhancing out prestige in the western Pacific, with consequent deterrent effect on Japan, and so on.

[302] General GRUNERT. What was the date of that?

Colonel BRATTON. March 14, 1941.

General FRANK. What was the distribution given to those things?

Colonel BRATTON. Very wide. Here is a symbol of that. Here, for instance, is IB 122. Its subject is, "The effectiveness of foreign air forces in performing strategic missions," which went to the Secretary of War, the Assistant Secretary of War, the Assistant Secretary of War for Air, the Chief of Staff, the Chief of the Army Air Forces, the Chief of the Air Corps, the War Plans Division, the Director of Naval Intelligence, and to Major General Embick.

General GRUNERT. In other words, the distribution on those matters was to the higher-ups in Washington, but not to the lower echelons not in Washington?

Colonel BRATTON. They did not go out to the field, sir. On numerous occasions, copies of these went to the President and to the Secretary of State.

General FRANK. At any time was there any consideration given to sending special envoys or special representatives for personal conference with the commanders in the theatres like Hawaii and the Philippines, to advise them of the information that was picked up in these "hot" messages?

Colonel BRATTON. I don't remember that there was, sir. We felt considerably hampered in G-2 by two restrictions that were placed upon us. The first I have mentioned as the policy which prevented us from giving out intelligence to G-2s in tactical units or in overseas departments, which might have the effect of bringing about operational results. The other re- [303] striction was imposed on us by the Navy, who refused to allow us to send any of this intercept intelligence out to any of our people in the field over the Army net, using any Army code or cipher. Our procedure in cases of that sort was for General Miles to go to the head of ONI and request through him that the Navy communicate certain information to their opposite numbers in the field, in Manila, in Hawaii, or in Panama.

General FRANK. Do you know how much of that actually was communicated to the commanders in the field?

Colonel BRATTON. I cannot answer that definitely at this time, sir. I remember a number of occasions where I instigated, myself, the dissemination of certain vital information in that way. I can't be more specific than that.

General RUSSELL. How did it come, then, Colonel, that on the 7th of December we sent out that hurry-up mid-day message without the Navy's consent?

Colonel BRATTON. It was with the Navy's knowledge and consent. If you will examine the record, you will find General Marshall called Admiral Stark on the telephone and told him of the message which he proposed to send, and that Admiral Stark later asked that a sentence be added, in his behalf.

General RUSSELL. I know, but wasn't that message of December 7 sent in Army code?

Colonel BRATTON. Yes, sir.

General RUSSELL. So, if it became urgent enough, we disregarded our Navy request and sent the stuff?

Colonel BRATTON. Yes.

General FRANK. In this information that was available as a result of this "hot" information, did there exist parts of it [304] that were of value from an operating point of view?

Colonel BRATTON. From a naval operating point of view, yes, in many cases.

General FRANK. How about it, from an Army air operating point of view?

Colonel BRATTON. From an Army air operational point of view, in some cases.

General FRANK. And you were not allowed to communicate this to the commanders?

Colonel BRATTON. Well, I never received a definite prohibition on the thing, but every time that I tried to send a message of this sort, and the Navy found out about it, the Chief of Naval operations would call up the Chief of Staff on the telephone and object most vociferously and emphatically. He in turn would call the ACofS G-2 and object strenuously, and by the time it got to me, who had sent the message, it was disapproval expressed in no uncertain terms—put it that way. And I in each case would be instructed not to do it again.

General GRUNERT. What do you suppose was back of it? Fear of the code?

Colonel BRATTON. Yes, sir; and fear of the Japanese breaking our Army code, and finding out that we were reading their own. It was a security measure.

General FRANK. Information did then exist and was available here in the War Department, which was not communicated to the commander in the field, that would have been of value to him to carry out his operations, is that correct?

Colonel BRATTON. That was the function of the War Plans Division, not of G-2.

[305] General FRANK. But you had the information?

Colonel BRATTON. So did they.

General FRANK. I think the record takes care of that.

Colonel BRATTON. And I may say that on numerous occasions I would go in to confer with General Gerow, one of his principal section chiefs, about certain information that we had, and I have frequently urged that action be taken. General Miles has done the same thing. We used to have repeated conferences with our opposite numbers in OPD about the vital information that we had. Sometimes OPD reacted favorably to our recommendations, sometimes not, but we were concealing nothing from them. We were not sitting on this information. It was there for anybody to read and act on.

General GRUNERT. I have one question here. In the Roberts Commission report, it states, here:

(Excerpt from Roberts Commission Report, *re* 3 messages:)

The Navy Department sent three messages to the Commander-in-Chief of the Pacific Fleet. The first, of December 3, 1941, stated that it was believed certain Japanese consulates were destroying their codes and burning secret documents. The second, of December 4, 1941, instructed the addressee to destroy confidential documents and means of confidential communication, retaining only such as were necessary, the latter to be destroyed in the event of emergency (this was sent to the Commander-in-Chief of the Pacific Fleet for information only) and the third, of December 6, 1941, directing that in view of the tense situation, the naval command on the outlying islands might be authorized to destroy confidential papers then or later under conditions of greater emergency, and that those [306] essential to continued operation should be retained until the last moment.

Were those three messages, in your opinion, based on what they could get through this intercept file?

Colonel BRATTON. Yes, sir.

General GRUNERT. If they went to the Commander-in-Chief of the Pacific Fleet, the Commanding General of the Hawaiian Department was supposed to have been informed through the Commander-in-Chief

of the Pacific Fleet? That was a general understanding on all those messages that went from one to the other, or that went to one or the other; they were supposed to inform their opposite numbers so as to avoid the same kind of message going to two recipients for fear of damaging or breaking the code, is that right?

Colonel BRATTON. That was my understanding of the relations that existed at the time; yes, sir.

General GRUNERT. So there was some information that go to Hawaii concerning warnings, as to these intercepted messages?

Colonel BRATTON. Yes, sir.

General GRUNERT. Although you didn't get any particular ones through?

Have you anything else?

General RUSSELL. I have one specific question, then I will be through.

You have discussed with us heretofore, Colonel, this delivery of those 13 parts of the Japanese reply of December 6.

Colonel BRATTON. Yes, sir.

General RUSSELL. As I recall your testimony, you stated [307] that you delivered it to this man Smith on Saturday night, is that correct?

Colonel BRATTON. That is correct, sir, to the best of my knowledge and belief. My recollection is that I found Colonel Smith in his office. It may have been one of the other secretaries, but my recollection is that it was Colonel Smith, and that I told him that this was a very important paper, and that General Marshall should see it at once. My recollection is that he said he would send it out to the General's quarters by courier. In any event, my mind was at rest about the Chief of Staff, I didn't worry about him any more that night.

General GRUNERT. Had this occurred frequently in the past?

Colonel BRATTON. Yes, sir.

General GRUNERT. So it was just a normal thing to say, "Here is a pouch that has got important stuff in it"?

Colonel BRATTON. No. When I thought that the Chief of Staff should see it at once, I made a point of telling Smith so, and he would say, "All right, I will send it out by a special courier."

General GRUNERT. Did that happen very frequently?

Colonel BRATTON. It happened several times; yes, sir.

General GRUNERT. Now, about this time, most everything was important?

Colonel BRATTON. Most everything was important; and I was further urged on by the fact that if the Chief of Naval Operations ever got one of these things before General Marshall did and called him up to discuss it on the telephone with him, and the General hadn't gotten his copy, we all caught hell.

General GRUNERT. I suppose it worked the other way, too.

[308] Colonel BRATTON. I saw to it that General Marshall got his copy just as fast as I could get it to him.

General RUSSELL. I believe your testimony was to the effect that the short message of December 7th came and you sat with it in your hand outside the General's office until he came in, and you handed it to him. That was on Saturday.

Colonel Bratton. I handed it to him, that morning.

General RUSSELL. That is all I have.

General GRUNERT. Are there any other questions?

Major CLAUSEN. I just wondered if the Colonel would make available to the Board this chronological summary from which he has testified, which apparently is in such shape as to show these messages very vividly.

General RUSSELL. So far as I am concerned, I think that is all.

General GRUNERT. Are there any other questions of this witness? If not, this is the third time we thank you for coming.

(The witness was excused, with the usual admonition.)

General RUSSELL. I desire at this time to introduce a copy of the telegram referred to in my questioning of Colonel Bratton, it being a telegram dated December 5, 1941, signed "Miles," and addressed to the Assistant Chief of Staff Headquarters, G-2, Hawaiian Department.

(The telegram signed "Miles", to the Assistant Chief of Staff Headquarters, G-2, Hawaiian Department, dated December 5, 1941, is as follows:)

(Photostat) (Stamped:) SECRET #519

(Stamped:) TOP SECRET

(Stamped:) By authority of A. C. of S., G-2.

Date (stamped) Dec 5 1941 /s/ RSB /t/ RSB
Initials

[309] From: War Department

Bureau: -----

For the Acting A. C. of S.,

/s/ RALPH C. SMITH,

/s/ CHE

Colonel, G. S. C.,
Executive Officer, G-2.

TELEGRAM

Official Business—Government Rates

Sent No. 519, 12/5

DECEMBER 5, 1941.

ASSISTANT CHIEF OF STAFF, HEADQUARTERS

G-2, HAWAIIAN DEPARTMENT,

Honolulu, Territory Hawaii.

Contact Commander Rochefort immediately thru commandant Fourteenth Naval District regarding broadcasts from Tokyo reference weather

MILES.

I certify that this message is on official business and necessary for the public service.

(Stamped:) SECRET

SECRET CABLEGRAM

las

/s/ RALPH C. SMITH

/s/ CHE

Executive Officer, G-2.

19

(Stamped:) TOP SECRET.

[310] General RUSSELL. I introduce, as Exhibit "B", the file heretofore referred to, containing the following numbered SIS messages, procured from the files of the office of the Assistant Chief of Staff, G-2, of the War Department:

23260 Sept. 24, 1941

23570 Oct. 14, 1941

23516 Oct. 14, 1941

23631	Oct. 16, 1941
23859	Oct. 22, 1941
24373	Nov. 5, 1941
25322	Nov. 14, 1941 (2 sheets)
25644	Nov. 15, 1941
24878	Nov. 16, 1941
25773	Nov. 18, 1941
25817	Nov. 18, 1941
25392	Nov. 19, 1941
25040	Nov. 19, 1941
25432	Nov. 19, 1941
25138	Nov. 22, 1941
25435	Nov. 26, 1941
25344	Nov. 26, 1941 (2 sheets)
25349	Nov. 26, 1941
25480	Nov. 26, 1941
25436	Nov. 26, 1941
25445	Nov. 28, 1941
25496	Nov. 29, 1941
25554	Nov. 30, 1941
25553	Nov. 30, 1941
25552	Nov. 30, 1941
[311]	25497 Nov. 30, 1941 (2 sheets)
25555	Nov. 30, 1941
25787	Dec. 1, 1941
25605	Dec. 1, 1941
25545	Dec. 1, 1941
25727	Dec. 1, 1941
25783	Dec. 1, 1941
25659-B	Dec. 2, 1941
25660	Dec. 2, 1941 (2 sheets)
25640	Dec. 2, 1941
25785	Dec. 3, 1941
25807	Dec. 4, 1941
27065	Dec. 2, 1941
25843	Dec. 4, 1941
25836	Dec. 5, 1941
25838	Dec. 6, 1941
25843	Dec. 6, 1941 (13 sheets)
26158	Dec. 6, 1941
25846	Dec. 6, 1941
25854	Dec. 7, 1941
25850	Dec. 7, 1941
25856	Dec. 7, 1941.

(The file of SIS messages referred to, procured from the office of Assistant Chief of Staff, G-2, marked Exhibit "B", was introduced in evidence.)

(Whereupon, at 1:10 p. m., the Board, having concluded the hearing of witnesses, proceeded to other business.)

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